

EAST COVENTRY TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ZONING ORDINANCE

DRAFT
September 1, 2005

PREPARED BY:

EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
AND
PLANNING COMMISSION

WITH THE ASSISTANCE OF:

THE GRAFTON ASSOCIATION
AND
O'DONNELL, WEISS & MATTEI, P.C.

ARTICLE I

INTRODUCTORY PROVISIONS

Section 100 SHORT TITLE

This Chapter shall be known, and may be cited as, "The East Coventry Township Zoning Ordinance of 2005".

Section 101 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

The objectives of this Chapter are derived from and conform to the comprehensive planning process and other planning activities of East Coventry Township and its policies for resource protection, land use, growth management, housing, circulation, and the provision of community facilities and services. The particular objectives for community development which East Coventry Township seeks to achieve through this Chapter are those contained in the East Coventry Comprehensive Plan of 2003, consistent with the requirements for such as prescribed in Section 606 of the Pennsylvania Municipalities Planning Code (MPC), Act 247, as amended. Those particular objectives, as articulated among the overall set of Community Goals and Objectives within the Comprehensive Plan, are as follows:

- 101. A To preserve, protect and manage the Township's natural resources including streams and other water bodies, wetlands, woodlands, and wildlife habitats, preclude development in floodplains and on steep slopes and poor soils.
- 101. B To protect the Township's valuable cultural and historic resources from degradation or destruction and promote the adaptive reuse of older buildings and structures, and enhance residents' experience of the Township's environmental resources through the protection of scenic landscapes and roads.
- 101. C To conserve the Township's agricultural lands and encourage the long term viability of agricultural operations and the supporting agricultural industry.
- 101. D To provide for development in an orderly manner that preserves the rural character of the Township by guiding higher density

residential, commercial and industrial development to areas with accommodating zoning, compatible and supportive land uses, available infrastructure, and other urban facilities and services.

- 101. E To provide for a variety of housing types and densities to meet current and future residents needs.
- 101. F To promote the use of flexible and creative planning, open space management, land stewardship, and engineering practices to facilitate protection and enhancement of the natural, cultural, agricultural, scenic, historic and recreational resources of the Township.
- 101. G To promote innovative development designs that enhance their surroundings by means of building scale and orientation; incorporate surrounding historic and cultural features; provide proper traffic circulation, on-site parking and site access; incorporate high quality architecture and site landscaping; retain scenic views; and establish adequate buffers to separate incompatible land uses.
- 101. H To promote a safe, efficient transportation system and to provide adequate and efficient community facilities and services within the Township.

Section 102 INTERPRETATION

In the interpretation and application of this Chapter, the provisions thereof shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any other ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall be controlling. Where the provisions of this Chapter impose time limitations on actions by the Township, its Board of Supervisors, its Planning Commission, the Township Engineer or any other agencies, which time limitations are not required by the Pennsylvania Municipalities Planning Code or other applicable statute, or which are shorter than required by the Pennsylvania Municipalities Planning Code or other applicable statute, the time limitations set forth in this Chapter shall be deemed directory and not mandatory, and any longer time periods provided by the Pennsylvania Municipalities Code or other applicable

statute shall prevail.

Section 103 SCOPE

From and after the effective date of this Chapter, the use of all land, every building or portion of a building erected, altered in respect to height or area, added to, or relocated, and every use hereinafter established within any building or property or use accessory thereto in East Coventry Township shall be in conformity with the provisions of this Chapter. Any building, structure or use of a building or land existing at the effective date of this Chapter which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to non-conforming buildings and uses.

Section 104 VALIDITY

If any section, paragraph, subsection, clause, or provision of this Chapter should be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Chapter as a whole or of any other part thereof.

Section 105 REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 106 OTHER APPLICABLE REGULATIONS

Specific references herein to other applicable regulations e.g., Pennsylvania Department of Environmental Protection are not in limitation of and do not waive the applicability of any other regulations not specifically referenced. Any applicable regulation more stringent than those herein shall apply. Preemption of any regulation herein by regulation of other authority shall not be presumed. Applicability of this Chapter shall be determined by the Zoning Officer in consultation with the Township Solicitor.

ARTICLE II

DEFINITIONS

Section 200 INTERPRETATION

200. A Unless otherwise expressly stated, the following words shall be construed throughout this Chapter to have the meaning set forth in this Article.

Words used in the present tense include the future. The singular includes the plural and the plural the singular. The masculine gender includes the feminine and the neuter. The words "shall" or "must" are mandatory. The word "person" includes an individual, corporation, partnership, incorporated association or other similar entity. The words "includes" or "including" shall not limit the term to the specified example but is intended to extend its meaning to all other instances of like kind and character. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

200. B Any reference in this Chapter to any ordinance of the Township, to any federal or state law or statute, or to any regulation, study, map or survey issued or prepared by the Board of Supervisors, or any officer or official of the Township, and/or by any federal or state public body, or a public officer or official thereof, shall include such ordinance, law, statute, regulation, study, map, and survey, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, and survey substituted for the same, as in force at the time of application hereunder.

200. C Any reference in this Chapter to any governmental agency, department, board, commission or other public body or to any public officer or other public official shall include an entity or official which or who succeeds to the same functions as those performed by such public body or official at the time of application hereunder.

Section 201 DEFINITIONS

For the purposes of this Chapter, certain words and phrases shall have the following meanings. Words and phrases not included in this section shall have their common meanings.

ABANDONMENT - An intentional and absolute relinquishment and cessation of a use without intention to resume such use for a period of time, or the voluntary discontinuance of a use for a continuous period of time.

ACCESSORY BUILDING (STRUCTURE) - A subordinate building or structure, the use of which is entirely incidental to that of the principal or main building or structure, used for an accessory use and located on the same lot.

ACCESSORY USE - A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates. The term "accessory use" shall not include any home occupation, as hereinafter defined.

ADULT COMMUNITY - A residential community comprised of a combination of dwelling types and providing amenities designed for persons aged fifty-five (55) and older; such a community must be governed by declarations of covenants, conditions and restrictions that limit the occupancy of dwellings to persons aged fifty-five (55) and older. However, a spouse younger than fifty-five (55) years of age, of a person aged fifty-five (55) years or over, shall be permitted occupancy. A person eighteen (18) years of age or younger may reside in the community for no longer than sixty (60) days.

ADULT-ORIENTED USE - Any adult bookstore, adult cabaret, adult mini-picture theater, adult theater or massage establishment, as defined herein and which, under Section 5903 of the Crimes Code, 18 Pa. C.S. §5903, must exclude minors or may not knowingly distribute to minors.

- A. ADULT BOOKSTORE - A commercial establishment, having as a substantial or significant portion of its stock in trade, whether for sale or rental, books, magazines, videos, novelties, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" as defined herein.
- B. ADULT CABARET - A cabaret, tavern, theater, or club which features strippers, male or female impersonators or similar entertainers who exhibit, display, or engage nudity, sexual

conduct or sadomasochistic abuse, as defined in Section 5903 of the Crimes Code, 18 Pa. C.S. §5903.

- C. ADULT MINI-MOTION PICTURE THEATER - An enclosed building offering video presentations distinguishing or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines.
- D. ADULT THEATER - Any business, indoor or outdoor, that exhibits a motion picture show or other presentation that, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, as defined in Section 5903 of the Crimes Code, 18 Pa. C.S. §5903.
- E. MASSAGE ESTABLISHMENT - Any establishment or business which provides the services of a massage or body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State. This definition does not include an athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

AGRICULTURE - The cultivating of the soil, the raising and marketing of livestock and poultry, dairying and the marketing of products of the soil that are produced on the premises including, but not by way of limitation, nursery, horticultural and forestry products, but excluding commercial swine and commercial poultry facilities. The keeping of horses for domestic purposes shall not be considered an agricultural use.

AGRICULTURE, INTENSIVE - Intensive agriculture shall include, but is not limited to the following activities: the raising of poultry, mushroom houses, fattening pens and hog farming, and similar agricultural activities. The characteristics of intensive farming shall include the following: relatively small lot areas, strong offensive odors, substantial stormwater runoff, large concentrations of animal waste, noise, extensive use of chemicals, compost and manure storage.

AGRICULTURAL SECURITY AREA - An area of the Township comprising more than five hundred (500) acres of land used for the agricultural production of crops, livestock and livestock products under the ownership of one (1) or

more persons and designated as such by the procedures set forth in the Agricultural Area Security Law, Act of June 30, 1981, P.L. 128, No. 43, as *amended*. 3 P.S., Section 901, *et seq.* together with amendments and supplements thereto and any new statutes substituted therefore, as in force at the time of application under this Chapter. Generally, the agricultural security area is protected from certain condemnation procedures. The purpose of the agricultural security area is to preserve agricultural land in the Commonwealth of Pennsylvania.

AGRICULTURALLY SUITED SOILS - Soils classified by the United States Department of Agriculture, Soil Conservation Service in the Soil Survey of Chester and Delaware Counties, 1963. The term, unless otherwise specified, refers to Land Capability Classes I, II and III that are those soils that may be considered prime agricultural soils.

AMUSEMENT PARK - A commercial establishment, including permanent buildings and/or other structures erected for entertainment purposes. Such entertainment may include rides, booths for the conduct of games or sale of merchandise, buildings for shows and other forms of entertainment, and restaurants.

ANTENNA - A device used to collect and/or transmit wireless communications or radio signals, including but not limited to omni-directional antenna (rod or whip), directional antenna (panel), parabolic antenna (dish) and repeaters and radio-domes. This definition shall not include private residence mounted satellite dishes, television antennas or amateur radio equipment including ham or citizen band radio antennas.

ANTENNA HEIGHT - The vertical distance measured from the base of the antenna support structure or the Antenna, whichever is lower, to the top of the antenna support structure or Antenna whichever is higher. If the antenna support structure is on a sloped grade, then the highest grade shall be used in calculating the antenna height.

ANTENNA SUPPORT STRUCTURE - A monopole structure designed and constructed to support an antenna, utilizing a single integral shaft without guy wires. No other structures shall be permitted.

APARTMENT - See "Dwelling Types"

APPLICANT - A landowner, developer or equitable owner, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

AREA STABILIZATION - The establishment and maintenance of a suitable vegetative cover; the application of mulches or mechanical devices such as a wood fiber blanket or erosion control netting; the erection of dikes or other structures or barricades to prevent erosion.

ASSISTED LIVING COMMUNITY - A managed residential development, licensed by the Commonwealth of Pennsylvania, consisting of one or a combination of dwelling types, as defined herein and common facilities such as common rooms, entertainment facilities, auditorium, chapel, dining facilities, kitchen and food preparation facilities, laundry facilities, administrative offices, medical examination facilities, limited treatment and therapy facilities or similar uses, and providing assistance with activities of daily living such as meal service, laundry service, housekeeping, social and recreational activities and transportation, in a group setting to persons who require help or aid with activities of daily life, but do not require skilled nursing care.

ASSISTED LIVING FACILITY - See "Personal Care Facility"

BARN - A structure designed to shelter animals weighing more than two hundred (200) pounds.

BASE FLOOD - The flood selected to serve as the basis on which the floodplain management provisions of this Chapter have been prepared; the One Hundred-Year Flood (100-Year Flood).

BASE FLOOD ELEVATION - The One Hundred-Year Flood (100-Year Flood) elevation. Within the Approximated Floodplain, the Base Flood Elevation shall be established as a point on the boundary of the Approximated Floodplain that is nearest to the site in question.

BASEMENT - That portion of a building that is partly below and partly above grade and has at least one-half (1/2) its height, measured from the finished floor to the finished ceiling, above the average grade of the adjoining ground. A basement shall be counted as a story for purposes of building height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet or is used for business or dwelling purposes, other than a game or recreation room and/or a garage.

BASEMENT, DAYLIGHT - That portion of a building which is partly or completely below grade and having at least one-half (1/2) its height below grade, measured from the finished floor to the finished ceiling. A daylight basement shall not be considered a story in determining the permissible number of stories or building height.

BED-AND-BREAKFAST FACILITY - A dwelling containing guestrooms available for short-term overnight rental and providing breakfast service to overnight guests.

BLOCK - An area of land bounded by streets, roads, or other types of rights-of-way.

BOARD OF SUPERVISORS - The Board of Supervisors of East Coventry Township, Chester County, Pennsylvania.

BRIGHTNESS - A term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

BUFFER (BUFFER AREA, BUFFER YARD) - A designated area of land, containing a Landscaped Screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of or from a use.

BUILDING - Any structure or part thereof for which a permit is required under or by this Chapter, the Subdivision and Land Development Ordinance (Chapter 22 of the East Coventry Township Code of Ordinances) and/or the Building Code (Chapter 5 of the East Coventry Township Code of Ordinances); any structure, permanently located on the ground, having enclosing walls and a roof; a mobile home and a trailer used or to be used for human occupancy.

BUILDING CODE - The Building Code of East Coventry Township codified as Part 1 of Chapter 5 of the Township of East Coventry Code of Ordinances.

BUILDING COVERAGE - The ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located or the percentage of the lot area covered by buildings.

BUILDING HEIGHT - The maximum height of a building permitted on a lot. Building height is determined from the vertical distance as measured from the lowest ground elevation on the building to the highest point on the building, excluding chimneys and antennas. Also see "Basement" and "Daylight Basement". For structures other than buildings, see "Height".

BUILDING INSPECTOR - The officer or other designated authority charged with the administration and enforcement of the Building Code.

BUILDING PERMIT - A document issued and signed by the Building Inspector authorizing the erection, alteration, or enlargement of a building or structure. The document shall indicate that the proposed activity complies with the applicable codes and ordinances of the Township.

BUILDING, PRINCIPAL - A structure in which is conducted or intended to be conducted or designed to be conducted, the principal use of the lot on which the structure is located.

BUILDING SETBACK LINE (BUILDING LINE) -

- A. Except in the case of an interior lot, the Building Setback Line shall be a line, within and extending the full width of a lot, parallel to the street line and setback a distance therefrom equal to the depth of the minimum required front yard. To the extent that the street line is curved, the building setback line shall be concentric therewith. In the case of an interior lot (where preexisting or approved by relief), the Building Setback Line shall be a line, within and extending the full width of the lot, which is (a) parallel to the intervening lot line nearest the street line, and (b) setback from such intervening lot line a distance equal to the depth of the minimum required front yard, or in the case of an existing interior lot of record, a distance equal to seventy-five (75) feet.
- B. For the purpose of measuring lot width at and along the building setback line, the following shall apply:
 - 1. Except as otherwise provided in Subsection 2, below, the building setback line, for the purpose of measuring lot width, shall be the minimum building setback line as defined in Subsection A, above.
 - 2. In the case of a lot having its entire street frontage within the turnaround, measured from reverse curve to reverse curve, of a cul-de-sac street, the building setback line, for the purpose of measuring lot width, shall be a curved line that is (a) parallel to and concentric with the street line, and (b) set back from the street line a distance equal to at least the depth of the minimum required front yard but in no case more than twice the depth of the minimum required front yard.

BULK - A term used to describe the size of buildings or other structures and

their relationship to each other, to open areas such as yards and/or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

BUS SHELTER - A frame-like structure enclosed on a minimum of three sides built to mark an existing bus stop of a regional transportation system and to shelter pedestrians from the weather while waiting for buses in a public or private regional transportation system. Bus shelters may contain limited advertising space in accordance with Section 1314, Signs, of this Chapter.

CALIPER - The diameter of a tree, where required to be planted under this Chapter, measured in inches at six (6) inches from the ground surface.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - A lot or land upon which two or more campsites or recreational vehicle sites, tents or other individual camping units are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes utilized on a seasonal basis.

CAMPSITE OR RECREATIONAL VEHICLE SITE - A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit for seasonal use.

CARPORT - A roofed-over structure, open on at least two (2) sides, used in conjunction with a dwelling for parking or other temporary storage of private motor vehicles.

CARTWAY - That portion of a street or alley paved or otherwise intended for vehicular traffic. Where vertical curbs are provided, the area between the sides of the curbs facing the cartway shall be included in the cartway.

CARTWAY, MINOR - A separate and subordinate cartway within the right-of-way of a major street or road which is parallel to, and connected at controlled intervals with, the principal cartway and which serves as the means of access to abutting lots; a service road.

CEMETERY - Land used or intended to be used for the burial of the deceased, including crematories, mausoleums, mortuaries and pet cemeteries when operated in conjunction with the cemetery and located on such land as used for the cemetery.

CERTIFICATE OF USE AND OCCUPANCY - A document, signed, issued, and enforced by the Zoning Officer upon completion of construction of a new building or upon change or conversion of the structure or use of a building, which establishes that a building and its lot complies with all requirements and regulations as provided in this Chapter and other applicable codes, and that the same may be used for the intended use.

CERTIFIED HISTORIC DISTRICT - An historic district that has been delineated by the Township and certified for historical significance by the Pennsylvania Historical and Museum Commission in accordance with the "Historic District Act".

CERTIFIED HISTORIC STRUCTURE - A building or structure identified by the Township which is listed in the National Register of Historic Places or located within a registered historic district and certified by the Secretary of the Interior as being of historical significance to the district.

CHURCH - A building used for divine public worship and education by a congregation, but excluding buildings used exclusively for residential, burial, recreational or other uses not normally associated with worship. The term "Church" shall also include temples, synagogues, mosques and other similar places of worship.

CLEAR-CUTTING - The felling of all trees on a tract of land or any portion thereof, at one time.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection of the street centerlines.

CLUSTER DEVELOPMENT - An arrangement of residential structures that allows for grouping of the structures by reducing lot area and yard requirements and incorporating the remaining area as open space.

COMMERCIAL - A use of land or improvements thereto for the purpose of engaging in retail, wholesale or service activities for profit.

COMMERCIAL SWINE FACILITY - The raising of hogs or pigs for sale or for profit as the principal use on the lot, but not including the incidental raising of hogs or pigs as an accessory use to a principal agricultural use.

COMMERCIAL POULTRY FACILITY - The raising of any form of poultry for sale or for profit as the principal use on the lot, but not including the incidental

raising of chickens, turkeys or geese for domestic consumption on the premises as an accessory use to a principal agricultural use.

COMMON AREA - Any area or space designed for joint use of tenants occupying mobile home developments.

COMMON OPEN SPACE OR OPEN SPACE - A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of the residents of a development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights of way, yards, required areas for buildings, off-street parking areas or stormwater detention or retention facilities or other non-common open space functions. The common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses.

COMPREHENSIVE PLAN - The document adopted, in accordance with the provisions of Act 247, as the Comprehensive Plan for the Township of East Coventry, by the Board of Supervisors, including the Regional Comprehensive Plan if adopted by the Board of Supervisors.

COMPLETELY DRY SPACE - For the purposes of administering the Floodplain District provisions, a space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONDITIONAL USE - A use which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use in this Chapter. A conditional use is allowed (possibly with conditions attached) or denied upon application to the Board of Supervisors pursuant to public notice and hearing, and recommendation by the Planning Commission as set forth in Article XIV.

CONDOMINIUM OR TIMESHARES - A form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act, Act No. 82 of 1980, as amended. A type of ownership and not a type of use wherein each dwelling unit is owned in fee by its occupant while the land and such appurtenances as driveways, parking areas, sidewalks, landscaping, swimming pools and other recreation

facilities, street lighting, heating facilities, entrance lobbies, halls, elevators and on-site utilities remain under the ownership, with full responsibility for maintenance by the developer or any corporation holding title to such land and appurtenances, including any property owners association made up solely of the occupants.

CONSERVATION PLAN - A plan for the conservation of precipitation and soils meeting the standards established and revised from time to time by the Pennsylvania Department of Environmental Protection, the Chester County Conservation District and by the Natural Resources Conservation Service, U.S. Department of Agriculture. See Section 306.1 of the Subdivision and Land Development Ordinance.

CONSTRUCTION - Any disturbance of the existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush, provided, however that the entering upon the premises for purposes of surveying, staking, or the clearing of lines necessary to obtain data on existing conditions shall not be deemed "construction".

CONTINUING CARE RETIREMENT COMMUNITY (FACILITY) - A managed residential development, authorized to operate by the Commonwealth of Pennsylvania, designed to provide a range of senior housing options, specialized services, support and security and three levels of health care including independent living, assisted living, and long-term and short-term skilled nursing care, together with an array of ancillary facilities intended to meet the social, recreational, cultural and religious needs of the residents.

CONVALESCENT CARE FACILITY - See "Nursing Home"

CONVENIENCE STORE - A retail establishment that sells a variety of prepared and non-prepared foods, beverages, over-the-counter drugs, sundries and household supplies, with the sale of motor vehicle fuels.

CONVERSION - An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations. In the case of dwelling units, the creation of two (2) or more dwelling units within an existing single family detached dwelling, with the resulting units each having independent kitchen, bath, and sleeping facilities.

COUNTY PLANNING COMMISSION - The Planning Commission of Chester County, Pennsylvania

CUL-DE-SAC - A single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

CULTURAL STUDIO - A facility used for providing to the public instruction in the performing arts, limited to dance, music, and theater, and the fine arts, including drawing, painting, photography and sculpture.

DAM SAFETY AND ENCROACHMENT ACT - Act of November 26, 1978, P.L. 1375, No. 325, *as amended*, 32 P.S., Section 693.1 *et seq.*

DATUM - Used as a basis for calculations or measurements as a level from which elevations are measured in surveying.

DAY CARE CENTER - The land and buildings the principal use of which is the supervision and care of seven (7) or more individuals and including staffed professional supervision necessary to serve such purposes. Such use may, but need not, be in support of and operated by another non-residential use. Education may be an ancillary use in connection with the day care function. Care shall be exercised on a daily basis only and the facilities of a day care center shall not include provisions for overnight accommodation. Operation of a day care center may be by a public agency, a private non-profit organization or a private commercial entity and shall be licensed by the Commonwealth of Pennsylvania. This term shall include "child care center" and "day care home" the latter defined as a single-family detached dwelling where day care services are provided for as many as six (6) individuals, none of whom is related to the caregiver.

DBH - The diameter of a tree at breast height measured 4.5 feet from the ground surface.

DECIBEL (dBA) - A unit for expressing the relative intensity of sounds on a scale from zero (0) for the average least perceptible sounds to about one hundred thirty (130) for the average pain level.

DEMOLITION OR DEMOLISH - The razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the façade or any significant exterior architectural features that are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

DENSITY, GROSS - The total area within the title lines of a lot or tract divided by the total number of dwelling units existing and/or to be constructed thereon,

expressed in dwelling units per acre, such area including internal streets having rights-of-way not over fifty (50) feet in width, open space, permitted commercial uses, sites for schools and places of worship, and all land devoted to residential uses, but excluding exterior street rights-of-way and internal streets having rights-of-way greater than fifty (50) feet in width.

DENSITY, NET - The number of dwelling units per acre, within only that portion of the lot devoted to any one (1) particular housing type, including yards, off-street parking and driveway facilities directly serving those particular dwelling types, but excluding open space, floodplains, wetlands, areas of seasonally high water table soils and hydric soils, all areas of prohibitive slope, riparian buffers, places of worship, permitted commercial uses, school sites, utility rights-of-way, public or private street rights-of-way and other public grounds, areas devoted to emergency access and stormwater management areas.

DEPARTMENT OF HEALTH - The Department of Health of the Commonwealth of Pennsylvania, or its representative having jurisdiction in the Township.

DEVELOPER - Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT -

- A. For the purposes of this Chapter applicable to floodplains, “development” shall mean any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations or storage of equipment or materials and the subdivision of land.
- B. For other purposes of this Chapter, “development” shall have the meaning set forth in Subsection A, above, and shall also mean a land development as defined herein.

DEVELOPMENT PLAN - The provisions for development including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan”, when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

DEVELOPMENTAL DISABILITY - A disability of a person which has continued,

or can be expected to continue indefinitely, which disability is attributable to mental retardation, cerebral palsy, epilepsy or autism; is found to be attributable to any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or is attributable to dyslexia resulting from such disability. A developmentally disabled person shall mean a person having a developmental disability as defined above.

DRIP LINE - A generally circular line around a tree, the circumference of which is determined by the outer reaches of the tree's widest branch points.

DUMP - Any lot upon which trash, debris and other refuse are periodically and illegally deposited; not a permitted use.

DWELLING - A building designed for and occupied by one family exclusively for residential purposes, excluding hotel, rooming house, bed and breakfast, apartments, institutional home, and residential condominiums or timeshares.

DWELLING UNIT - A room or rooms within a building connected together, including apartments, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

DWELLING TYPES - It is the intention to include within this definition of dwelling types all recognized housing types, architectural types or building types, or combinations thereof, including, but not necessarily limited to, duplex or twin dwellings, triplex dwellings, fourplex dwellings, townhouse dwellings, condominiums, apartments, and the like, whether such dwelling units are for lease or for sale.

- A. Single-Family Detached - A building designed for and occupied as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling.
- B. Two-Family Detached - A building designed for and occupied as a residence containing two (2) dwelling units and having no common or party wall with any adjacent dwelling.
- C. Single-Family Semi-Detached - A building designed for and occupied as a residence, containing one (1) dwelling unit and

having a common or party wall with another building, and having yards on all but one side.

- D. Two-Family Semi-Detached - A building designed for and occupied as a residence, containing two (2) dwelling units and having a common or party wall with another building, and having yards on all but one side.
- E. Single Family Attached - A building designed for and occupied as a residence, containing one (1) dwelling unit and having two (2) or more common or party walls with other buildings, with the exception that a single family attached building at the end of a building group shall have one (1) common or party wall with another building and shall have one (1) side yard in accordance with the applicable district regulations.
- F. Two-Family Attached - A building designed for and occupied as a residence, containing two (2) dwelling units and having two (2) or more common or party walls with other buildings, with the exception that a two-family attached building at the end of a building group shall have one (1) common or party wall with another building and shall have one (1) side yard in accordance with the applicable district regulations.
- G. Multi-Family - A building designed for and occupied as a residence, containing three (3) or more dwelling units. Multi-family shall include, but not necessarily be limited to, apartment houses and garden apartments.
- H. Townhouse - An attached building arranged, designed and intended for, and occupied exclusively by one (1) family; each such building separated by party walls and each building having at least one (1) separate entrance from the outside. No more than six (6) attached buildings, including end buildings, shall be permitted in a townhouse group and which structure shall not exceed one hundred forty-four (144) feet in length.
- I. Garden Apartments - A multi-family building, not exceeding three (3) stories in height, containing three (3) or more separate dwelling units in which no more than six (6) dwelling units have common hallways and entrances. The term shall not be construed to include townhouse or row house.

- J. Single-Family Attached (Adult Community) - A building designed for and occupied as a residence, containing four (4) dwelling units, each having two (2) common or party walls between it and another dwelling unit in the building.

See Appendix A for illustrative examples of dwelling types.

DWELLING, MOBILE/MANUFACTURED HOME - A transportable, single-family detached dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. For floodplain management purposes, the term "mobile home" includes "manufactured home", and also includes "park trailer", "travel trailer", and other similar vehicles placed on a site for more than one hundred eighty consecutive days. For flood insurance purposes, the term "manufactured home" does not include "park trailer", "travel trailer", and other similar vehicles.

EASEMENT - A permanent right granted for limited use of private land, normally for a public purpose (e.g., utility, drainage, public access). The owner of the property shall have the right to make any other use of the land that is not inconsistent with the rights of the grantee.

EASEMENT, CONSERVATION - A legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions over all or portions of the property for conservation purposes.

EDUCATIONAL USE - Land and/or buildings specifically designed, arranged, and intended for the primary purpose of education, including pre-school, elementary, and secondary schools, or colleges, either private or public, including schools relating to religious organizations and vocational schools.

EFFECTIVE DATE OF THE ZONING ORDINANCE - The effective date of the Zoning Ordinance is _____ except that, with respect to the subject matter of any amendment, the effective date of the Zoning Ordinance shall mean the date upon which the particular amendment became or becomes effective.

ELECTRIC SUBSTATION/FACILITY - Buildings or structures and equipment

erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the Utility Company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being effectively screened to blend the installation with the surrounding landscape.

ENGINEER, TOWNSHIP - A professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EQUITABLE OWNER - A person who holds equitable title to real estate.

EQUITABLE TITLE - Ownership by a person who does not have legal title to real estate; a trustor under a deed of trust.

ESSENTIALLY DRY SPACE - For purposes of administering the Floodplain District provisions, a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

ESTABLISHED FLOOD LEVEL - A point on the boundary of the floodplain area that is closest to the development site.

FAÇADE - Any exterior face or front of a building.

FAMILY -

- A. Any number of individuals, living together on a non-transient basis, legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to four (4) unrelated individuals living and cooking together and functioning as a single housekeeping unit using certain rooms and housekeeping facilities in common. Excluded from the definition of "family" are occupants of a club, fraternity house, lodge or rooming house.
- B. A "family" shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single, nonprofit housekeeping unit, if such occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended, by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any

family unit as defined in Subsection A hereof.

FARM BUILDING - Any building used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm building" shall not include dwellings, but shall include a barn, silo, and incidental storage sheds.

FEEDLOT - Any area where agricultural animals are held or maintained for the purpose of feeding or fattening where sixty percent (60%) or more of the feed for such animals is imported or purchased when not incidental to a farm.

FENCE - A freestanding assembly of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly or in combination with other materials, two and one half (2½) feet high or higher, erected to secure or divide one (1) property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined or to enclose all or part of the property. A freestanding masonry wall is considered a fence. A fence is not deemed herein to be a "structure".

FILL - Material, exclusive of structures placed or deposited so as to form an embankment or raise the surface elevation of the land.

FLAG - A piece of cloth, or other material, commonly bunting, of varying size, shape, color, and design, usually attached by one edge to a staff or cord and used as an ensign, standard or a symbol.

FLOOD - A general and temporary inundation of land areas caused by the overflow of streams, rivers or other waters of the Commonwealth of Pennsylvania.

FLOOD ELEVATION, REGULATORY - The One Hundred (100) Year Flood elevation plus a freeboard safety factor of one and one-half (1½) feet.

FLOOD FRINGE - That portion of the 100-year floodplain outside the floodway.

FLOOD, ONE HUNDRED YEAR - The highest level of flooding that, on the average, is likely to occur every 100 years, that has a one percent (1%) chance of occurring each year, as delineated by the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency.

FLOODPLAIN - A relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, and/or any area subject to the unusual and rapid accumulation of the surface

waters from any source. The limits of a floodplain area shall be as provided in Section 302.B.1 of this Chapter.

FLOODPLAIN, APPROXIMATED - The Approximated Floodplain, corresponding to Zone A on the Federal Emergency Management Agency Flood Insurance Rate Maps, is the 100-year floodplain that is determined in the Federal Emergency Management Agency Flood Insurance Study by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no base flood elevations or depths are shown within Zone A.

FLOODPLAIN DISTRICTS - The floodplain districts specifically described in Article III of this Chapter, including the FW, Floodway Floodplain District, the FF, Flood Fringe Floodplain District and the FA, General Floodplain District. See Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

FLOOD PLAIN MANAGEMENT ACT - Act of October 4, 1978, P.L. 851, No. 166, *as amended*, 32 P.S. Section 679.101 *et seq.*

FLOODPROOFING - For purposes of administering the Floodplain District provisions, any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - The designated area of the one hundred (100) year floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOOR AREA - The total enclosed area in the horizontal planes of a principal structure, and all accessory structures as measured from the outside face of all exterior walls.

FLOOR AREA, HABITABLE - The sum of the gross horizontal areas of all rooms used for habitation, exclusive, of the hallways, stairways, unfinished basements not included in height calculations, daylight basements, attics, bathrooms, closets, unheated areas, rooms without at least one window or skylight, garages and accessory buildings.

FLOOR AREA RATIO - The aggregate floor area, in square feet, of a building or group of buildings on a lot divided by the area, in square feet, of the lot.

FOOT-CANDLE (FC) - A quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard source) measured at a distance of one (1) foot. One lumen per square foot.

FRONT LOT LINE - See "Lot Line, Front"

GARAGE, PRIVATE - An accessory building or part of a principal building used for the storage of motor vehicles or materials or equipment owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles or materials and equipment owned and used by persons other than the owner or tenant of the premises.

GARAGE, PUBLIC - A building other than a private garage, one or more stories in height, used solely for the commercial storage of motor vehicles.

GARAGE, STORAGE - A building, not a private or public garage, one story in height, used solely for the storage of household goods and similar items, and motor vehicles not exceeding a gross vehicle weight of twenty thousand 20,000 pounds, but not for the service or repair thereof nor for the sale of fuel, accessories or supplies. A storage garage shall be limited to one (1) six hundred (600) square foot structure for each one (1) acre of lot area.

GARDEN SHED - An accessory structure, no greater than two hundred (200) square feet, for the storage of garden and lawn equipment or used as a workshop.

GLARE - Brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause annoyance, discomfort or loss of visual performance and visibility.

GOLF COURSE, PUBLIC OR PRIVATE - A tract designed and improved for the playing of golf, with a minimum of 2,800 yards of play in nine holes. A golf course may include accessory uses such as a club house, snack bar, golf equipment pro-shop, driving range and practice areas, provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are intended to serve the users of the golf course. Private golf courses may also include swimming pools, tennis courts, and other recreational facilities provided solely for use by club members and their guests. Uses excluded from this definition include driving ranges as a principal use and pitch-and-putt or miniature golf courses.

GRADE, EXISTING - The elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

GRADE, FINISHED - The elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

GRADE, PROPOSED - The elevation, relative to a given datum, of the ground surface to be achieved by excavation or fill.

GROUP HOME - A dwelling operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. "Group homes" shall be licensed where required by an appropriate governmental agency, and a copy of such license must be delivered to the Township prior to the beginning of such use. "Group homes" shall be subject to the same limitations and regulations by the Township as a single-family dwelling. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P. L. 100-430.

HEALTH DEPARTMENT - The Chester County Health Department

HEIGHT - For structures that are buildings, see "Building Height". For structures other than buildings, the height shall be the vertical distance measured from the elevation of the proposed mean level of the ground along the front of the structure to its highest point.

HELIPORT - An area to accommodate all phases of operation of rotor-wing aircraft (helicopters) with suitable space to allow development of service facilities as desired.

HELISTOP - An area on a roof or on the ground to accommodate touchdown and liftoff of rotor-wing aircraft (helicopters) for the purpose of picking up and discharging passengers or cargo, with no service facilities.

HERBACEOUS - Plants that have no woody parts. Stems and branches remain green and soft and die down to the ground in winter.

HISTORIC DISTRICT ACT - The Act of June 13, 1961, P.L. 282, No. 167, as amended, 53 P.S. 8001 *et seq.*, together with amendments and supplements thereto, and any new statutes substituted therefor, as in force at the time of application under this Chapter.

HISTORIC RESOURCE - All buildings, sites, structures, objects and districts that are shown on the East Coventry Township Historic Resources Map.

HISTORIC RESOURCES INVENTORY - An official list, appropriately documented, of historic resources in the Township and their classification as Class I, and Class II.

HISTORIC RESOURCES MAP - A map adopted as part of this Chapter showing historic properties and their respective classifications.

HISTORIC SITE - A place where a significant event or pattern of events occurred.

HISTORICAL COMMISSION OR COMMISSION - The East Coventry Township Historical Commission established and created under and by this Chapter.

HOME-BASED BUSINESS, NO IMPACT - A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that involves neither customer, client or patient traffic, nor pickup, delivery or removal functions in excess of those normally associated with a residential use, and the business or commercial activity occurs inside the dwelling only displaying no outside evidence, including signs, of such activity.

HOME OCCUPATION - An activity conducted for profit by persons residing on the premises that is clearly subordinate to the residential use of the property. Home occupations are divided into two categories:

- A. Minor Home Occupation - A home occupation that has little or no impact on the area in which it is located and is defined by the following characteristics:
 - 1. The occupation is conducted by the inhabitants of the dwelling.
 - 2. The occupation does not involve customer or client visits to the dwelling and there is no direct sales of products.
 - 3. There is no exterior indication, including but not limited to signs, advertising or other display, that a home occupation is located on the premises.
 - 4. Commercial delivery and pickup of goods and supplies is limited to no more than once a week, exclusive of normal postal and parcel service typically serving a residential area.

5. The floor area devoted to the occupation does not exceed twenty-five percent (25%) of the floor area of the dwelling or four hundred (400) square feet, whichever is less.

B. Major Home Occupation - A home occupation that requires additional review and regulation because of its potential impact on the area in which it is located. A major home occupation is specifically defined as a home occupation that does not meet one or more of the criteria that defines a minor home occupation.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under approved bylaws, for the purpose of administering the needs of residents through the maintenance of community-owned property.

HOSPITAL - An accredited medical facility within which the diagnosis, treatment and care, both inpatient and outpatient, of human ailments are performed, but excluding facilities for the mentally retarded and the emotionally disturbed.

HOTEL, MOTEL, INN - A building or buildings arranged or intended for sheltering six (6) or more tourists or transient guests for compensation which may provide individual cooking facilities for guests, and providing sufficient off-street parking facilities adjacent or convenient thereto.

HOUSE, ROOMING - A dwelling in which weekly or monthly sleeping accommodations are provided for non-owners for rent to not more than five (5) guests whether or not the serving of meals is included, provided that there shall be at least five (5) off-street parking spaces on the lot of the rooming house.

HYDRIC SOILS - A soil that formed under saturated conditions. See Appendix in the Township Subdivision and Land Development Ordinance for list of hydric soils.

ILLUMINANCE - The quantity of light measured in foot-candles or lux.

ILLUMINATION - The density of luminous flux on a surface.

IMPERVIOUS SURFACE - Any surface that does not absorb precipitation or runoff. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and other such areas in concrete or asphalt shall be considered components of impervious cover. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered as contributing to total impervious cover. For purposes of

determining compliance with maximum impervious cover limitations on any lot or tract, impervious cover shall be measured as a percentage of net tract area, defined herein.

INDUSTRIAL USE - Any use permitted in the industrial zoning district that involves the fabrication, production, repair, alteration and/or storage of a product(s) within a building and/or outdoors. Such uses do not include customer oriented retail sales.

INSTITUTIONAL HOME - A public or private benevolent establishment devoted to the shelter, maintenance and care of (a) minor children, (b) homeless, aged or infirm persons, or (c) members of a religious community.

INTERIOR DRIVE - A paved surface providing vehicular access within and between parking areas and/or loading areas.

JUNKYARD - An area of land with or without buildings used for storage of used and/or discarded materials, outside a completely enclosed building, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, parts thereof, or vehicles, thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, is a "junkyard" and shall not be permitted.

KENNEL - An establishment where five (5) or more dogs, cats or similar domesticated animals, or any combination thereof, are kept, boarded, groomed, trained, raised or bred.

LABORATORY - A building or group of buildings within which the principal uses are facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

LANDFILL - See "Sanitary Landfill"

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one lot.
- B. The improvement of two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a

single nonresidential building on a lot, or lots, regardless of the number of occupants, whether owners or renters; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
3. A subdivision of land.
4. Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Excluded from the definition of land development are: (a) the conversion of an existing single-family detached or single-family semi-detached dwelling into no more than three (3) dwelling units provided that such dwelling units are not intended to be a condominium, and (b) the addition of an accessory building, including farm buildings, on a lot or lots, subordinate to an existing principal building.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person, having a proprietary interest in land.

LANDSCAPE SCREEN - The use of plant material, walls, fencing or earthen berms, or combinations thereof, to: (i) aid in the concealment of such features as parking and loading areas; (ii) to provide privacy and/or protection between two (2) incompatible land uses; or, (iii) to provide a visual and/or sound barrier. Where a wall, fence or berm is employed, such structures shall be not less than five (5) feet in height. Plant material shall consist of evergreen and deciduous trees and/or shrubs not less than eight (8) feet in initial height and not less than eight (8) feet in width (unless a greater width is otherwise required by this Chapter). No less than fifty percent (50%) of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed as to divert attention (at initial planting) from or obstruct, when viewed six (6) feet from the ground surface, at least eighty-five percent (85%) of an otherwise clear view of an objectionable or incompatible use or activity during all seasons of the year.

LANDSCAPING - The planting of turf or other appropriate ground cover or the planting of deciduous and evergreen trees and shrubbery, other than for

agricultural purposes, and including the maintenance and replacement thereof, for control of erosion, retention of precipitation, protection against elements or promotion of human comfort and welfare.

LAND DISTURBANCE - Any activity that exposes soils, or alters topography and/or vegetation, except for removal of hazardous or invasive alien vegetation (see definition of "Woodland Disturbance"). Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of land disturbance.

LEVEL OF SERVICE - A description of traffic conditions along a given roadway or at a particular intersection according to the Highway Capacity Manual, Transportation Research Board, 1994, and as amended thereafter.

LICENSE - As applied to Mobile/Manufactured Home Parks, shall mean written approval by the Township, a prerequisite of which shall be approval by the Department of Health and compliance with all applicable regulations of this Chapter and Article V of the Subdivision and Land Development Ordinance.

LIGHT MANUFACTURING - The production or processing of materials by the employment of machines, soldering irons, stamping machines, kilns, aluminum banding devices and the like. Such activity is not likely to produce noises, odors, or other emissions detectable off the premises by a person having normal senses

LIGHT TRESPASS - Light emitted by a lighting installation, which extends beyond the boundaries of the lot on which the installation is sited.

LIVESTOCK - Horses, cattle, sheep or other animals kept or raised on an agricultural property or on any property meeting the provisions of this Chapter. A large animal is one which stands over thirty (30) inches at the shoulder or weighs over two hundred (200) pounds.

LOADING SPACE - An area of land, upon a lot or lots upon which a principle use is located, which is provided and maintained for the exclusive purpose of the temporary parking of a commercial motor vehicle for the loading and/or unloading of merchandise or other materials.

LOFT - An additional partial story of a dwelling which shall not exceed five hundred and fifty (550) square feet of floor area and shall include no more than one (1) finished bedroom and one (1) bathroom.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA - The area of land contained within the property lines of a lot as described in the deed or as shown on an approved subdivision plan. Such lot area shall be the gross lot area. For the purpose of calculating the minimum lot area necessary to comply with the area and bulk requirements, or net lot area, the following areas shall be excluded from such calculation:

- A. Any area (i) within a street ultimate right-of-way; or (ii) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by way of vehicular and/or pedestrian circulation.
- B. Any area, easement or right-of-way to be used for emergency access.
- C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.
- D. Any area comprising a stormwater management basin or drainage easement.
- E. Any area overlain by the Flood Plain District.
- F. Any area of prohibitive slope.
- G. Any area of seasonally high water table soils and hydric soils.
- H. Any area of wetlands.
- I. Any riparian buffer area.

LOT, CORNER - A lot at the junction of and abutting on, two (2) or more streets or at the point of abrupt change in direction of a single street. Both yards adjacent to streets shall be considered front yards. One remaining yard shall be a side yard and one shall be a rear yard.

LOT, COVERAGE - The ratio or percentage of the total ground floor area of all buildings on a lot to the gross area of the lot on which they are located.

LOT DEPTH - The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, INTERIOR - A pre-existing lot, existing as of December 31, 2002, or lot approved to provide relief, having limited frontage on a public or private road where such frontage is intended primarily to provide access to the lot. The strip of land used for access shall be a fee simple part of the lot. An interior lot shall include, without limitation, a flag lot.

LOT LINE - A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the street line, and shall not be the centerline of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT - Front lot line shall mean the line separating such lot from the ultimate street right-of-way.

LOT LINE, REAR - A line opposite and most distant from the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

LOT LINE, SIDE - Any lot line that is not a front or rear lot line. In the case of a corner lot, any lot line that intersects a front lot line may be considered a side lot line.

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on an existing or proposed arterial, collector or local street, and a local street, and with vehicular access solely from the latter.

LOT WIDTH - The horizontal distance between the side lot lines of a lot (or in the case of a corner lot, between the side lot line and the opposite front lot line of the lot) measured at and along the building setback line. The measurement of lot width at and along the building setback line shall be as provided in and by the definition herein of "Building Setback Line".

LOWEST FLOOR - For purposes of administering the Floodplain District provisions, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

MAN-MADE AREA - Areas of land which have been disturbed or changed by grading or filling to such extent that the natural soil conditions no longer prevail.

MARSH - A low, constantly wet area, often fed by small intermittent streams, that supports unique plant, animal and insect life.

MEADOW - A plant community or area of vegetation dominated by grasses and/or forbs, often managed through annual or seasonal mowing.

MEDICAL CLINIC - A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that the patients are not kept overnight except under emergency conditions. This includes doctors and dental offices and clinics.

MINIMIZE - To reduce to the smallest amount or extent possible. "Minimize" shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect(s) of the action required to be minimized. "Minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, storm water management facilities, and other land disturbance shall be planned and designed to reduce the adverse effect(s) of the activity in question to the smallest amount possible under the circumstances consistent with otherwise permitted development.

MINI-STORAGE FACILITY - A structure or group of structures used for the storage of customers' goods. Individual stalls or lockers are rented for such storage to different tenants.

MINOR REPAIR - The replacement of existing work with equivalent materials for the purpose of a structure's routine maintenance and upkeep.

MITIGATION

- A. An action undertaken to accomplish one or more of the following:
 - 1. Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.
 - 2. Rectify the impact by repairing, rehabilitating or restoring the impacted environment.
 - 3. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

- B. If the impact cannot be minimized in accordance with A.1 through 3 above, compensation for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.

MOBILE HOME - See "Dwelling, Mobile/Manufactured Home".

MOBILE/MANUFACTURED HOME LOT - A parcel of land in a mobile/manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile/manufactured home.

MOBILE/MANUFACTURED HOME PAD - A concrete pad on which a mobile/manufactured home is placed at least six (6) inches in thickness with a base of at least six (6) inches of 2B stone and with at least six (6) tie-down rings to which the mobile/manufactured-home shall be secured. The pad shall be equal in length and width to the dimensions of the mobile home to be placed thereon.

MOBILE/MANUFACTURED-HOME PARK - A parcel of land under single ownership which has been planned and improved for placement of mobile homes for non-transient use, consisting of two (2) or more mobile home pads.

MULTI-UNIT DEVELOPMENT - Any subdivision, other than for single-family detached dwellings and single-family semi-detached dwellings or any single lot on which two (2) or more principal uses exist or are proposed, regulated by special provisions of this Chapter.

MUNICIPAL SOLID WASTE - Any garbage, refuse, industrial, lunchroom or office waste, and other material including solid, semi-solid (not greater than twenty percent (20%) liquid), or contained gaseous material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities.

MUNICIPAL USE - Any use owned, operated, conducted and/or maintained by the Township.

MUNICIPALITIES PLANNING CODE - The Act of July 31, 1968, P.L. 805, No. 247, *as reenacted and amended*, 53 P.S. §10101 *et seq.*, known as the "Pennsylvania Municipalities Planning Code", together with amendments and supplements thereto and any new statutes substituted therefor, as in force at the time of application under this Chapter.

MUSEUM - An institution devoted to the procurement, care, study, display and exhibition of objects of lasting interest or value.

NATIONAL HISTORIC PRESERVATION ACT - The National Historic Preservation Act of 1966, as amended, 16 U.S.C. §§ 470-470w-6.

NATIONAL REGISTER CRITERIA - Standards promulgated by the Secretary of the Interior against which historic resources nominated to the National Register are evaluated.

NATIONAL REGISTER OF HISTORIC PLACES - A list maintained by the Secretary of the Interior composed of buildings, sites, structures, objects and districts of national, state or local significance in American history, architecture, archaeology, engineering and culture.

NATURAL SUCCESSION - The process by which landscapes are transformed, over time, from open, seasonal cover to more permanent vegetation. In the East, the natural change is from open space to woodland.

NEW MOBILE/MANUFACTURED-HOME PARK - A parcel or contiguous parcels of land containing two (2) or more mobile home pads for rent for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of the floodplain regulations set forth in Article IV of this Chapter.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Chapter but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions of this Chapter or amendment heretofore or hereafter enacted where such use was lawfully in existence prior

to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NOXIOUS VEGETATION - Plant material that is undesirable or offensive, due to threats to health or prolific and uncontrollable growth. For the purpose of this Chapter, noxious vegetation shall include, but not limited to, ragweed, multiflora rose, Canada thistle, Japanese honeysuckle, oriental bittersweet and all poisonous plants.

NURSING HOME (FACILITY) - A facility, licensed by the Commonwealth of Pennsylvania, that provides skilled nursing care and related medical or other personal services for twenty four (24) hours per day and seven (7) days per week to individuals who require full-time care or supervision, but do not require hospital care.-

OBSTRUCTION - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill structure, or matter in, along, across or projecting into any channel, watercourse or flood prone area, that may impede, retard, or change the direction of the flow of water either by itself or by catching or collecting debris carried by such water, or which is placed where the flow of the water might carry the same downstream to the damage of life and property. For purposes of the floodplain regulations provided in Article IV and elsewhere in this Chapter, the planting, cultivation and harvesting of field and orchard crops or the grazing of livestock including the maintenance of necessary appurtenant agricultural fencing shall not be considered an "obstruction" subject to such floodplain regulations.

OFFICIAL MAP - A map adopted by ordinance pursuant to Article IV of the MPC.

ONE HUNDRED YEAR FLOOD - See "Flood, One Hundred Year"

OPEN SPACE LANDS ACT - Act of January 19, 1968, P.L. (1967) 992, as amended by the Act of December 18, P.L. 994, No. 153, (providing for the acquisition and preservation of open space lands), 32 P.S. §1001 *et seq.*

OPEN SPACE MANAGEMENT PLAN - A plan which provides for the long-term management over time of private, public, or common open space.

OPERATOR, MOBILE HOME PARK - The owner of a mobile home park, or his authorized agent, who is duly licensed for maintaining a mobile/manufactured home park in the Township.

PARKING LOT - An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE - A reasonably level space, surfaced to permit use under all weather conditions, located off the public right-of-way, having a surface slope not exceeding five percent (5%) and designated for the parking of one (1) motor vehicle, the usable area of which is not less than the area computed (depth of parking row times width of parking space) per Section 1305.B.1, herein, exclusive of passageways, driveways or other means of circulation and access and to which there is access from a street, alley, or driveway.

PASTURE - A plant community or area of vegetation dominated by grasses which is actively or periodically grazed by livestock or which is managed through mowing.

PERIMETER BUFFER - An area to be used as a visual and/or auditory barrier, consisting of a mound, berm, or strip of land planted and maintained as an effective barrier separating parcels or uses of land.

PERSON - Any individual, firm, trust, condominium, partnership, joint venture, unincorporated association, business association or corporation, whether public or private or other legal entity cognizable at law.

PERSONAL CARE FACILITY - A personal care home licensed by the Commonwealth of Pennsylvania, that provides care to adults who do not require hospitalization or skilled or intermediate nursing care.

PENNDOT - The Commonwealth of Pennsylvania Department of Transportation

PLANNED COMMERCIAL DEVELOPMENT - A contiguous area of land controlled by a single landowner and developed as a single entity for a number of commercial and other similar uses, the development plan for which may or may not correspond in lot size, bulk or other design standards in any one commercial district created from time to time under the provisions of this Chapter.

PLANNER, TOWNSHIP - A person duly designated by the Board of Supervisors to perform the duties of planner as specified herein.

PLAT - The map or plan of a subdivision of land, whether preliminary or final.

PLAT, RECORDED - The final plat, or engineering layout of streets and lots, easements, common open spaces and public grounds which has been duly approved by all necessary officials and bodies and recorded in the Office of the Recorder of Deeds of Chester County, West Chester, Pennsylvania.

PNDI - The Pennsylvania Natural Diversity Inventory

POTENTIAL RARE, THREATENED, ENDANGERED (RTE) SPECIES SITES

- A. Sites in which Federally and/or State recognized RTE species of flora and/or fauna have been observed in the past, yet are not identified by the PNDI and/or the Chester County Natural Areas Inventory;
- B. Sites which provided suitable habitat for federally and/or State recognized RTE species of fauna.

PRIME AGRICULTURAL SOILS - See Agriculturally Suited Soils

PRINCIPAL USE - The single primary use of a building other structure or lot, serving as the basis for classification as to use category.

PUBLIC GROUNDS - Areas of land or water that include parks, playgrounds and other public areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the Board of Supervisors, the Township Planning Commission or the Zoning Hearing Board intended to inform and obtain public comment prior to taking action in accordance with this Chapter and the Municipalities Planning Code.

PUBLIC MEETING - A forum held pursuant to notice under 65 Pa. C.S. Chapter 7

PUBLIC NOTICE - Notice of a hearing published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notices shall state the time and place of any hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty days, and the second publication shall not be less than seven days, prior to the date of the hearing. Where the hearing to be held will include consideration of a proposed zoning amendment to the zoning map, then such proposed amendment must be additionally noticed by the posting along the perimeter of the affected tract at least one (1) week prior to the date of the hearing and the notice, including the location, date and time of such hearing,

shall be mailed, via first class mail, thirty (30) days prior to the hearing, to all addresses to which real estate tax bills are sent for all real property located within the area of the proposed zoning map amendment.

PUBLIC UTILITIES FACILITY - A building or structure and its equipment used for the transmission and exchange of telephone, radio telephone, gas, power, sewer and water facilities, provided that in a residential district these shall not include public business facilities, storage of materials, trucks or repair facilities or housing of repair crews.

PUBLIC UTILITIY - An agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with communication, gas, power, rail, transportation sewer or water facilities or other similar service.

RECREATION, ACTIVE - Those recreational pursuits that require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts and swimming pools. Active recreation shall exclude amusement parks.

RECREATION, PASSIVE - Recreational pursuits that can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

RECREATIONAL VEHICLE - A vehicle that is: (a) built on a single chassis, (b) 400 square feet or less when measured at the largest horizontal projection, (c) designed to be self-propelled or permanently tow-able by a light duty truck or car, and (d) designed as temporary living quarters for recreational, camping, travel or seasonal use and not for continued occupancy or use as a permanent dwelling. For the purposes of this Chapter, the term "recreational vehicle" shall also include a boat or other watercraft.

RECYCLING FACILITY - A location where materials such as paper, glass and aluminum, which are no longer useful for their intended purpose, are temporarily accumulated for the manufacture of a new product(s) at such location or for transportation off the premises for use in the manufacture of a new product(s).

REFLECTOR - A surface or element of a luminaire designed to direct light in a desired direction.

REFORESTATION - The restocking of an area with forest trees, including natural regeneration as well as tree planting.

REGISTERED LANDSCAPE ARCHITECT - A professional registered as a Landscape Architect in the Commonwealth of Pennsylvania.

RELIGIOUS USE - A nonprofit use of land or a building as a place of worship, convent, monastery or similar religious institution including rectory and parish house.

RENTAL UNIT - An individual space offered for rent or lease within an apartment building, motel, rooming house, bed and breakfast, dormitory, or professional or commercial office building.

RESTAURANT - A building, or portion of a building, including an indoor seating area, whether open to the public or a private club, used for the purpose of furnishing meals to the public.

RESTAURANT, FAST-FOOD - An eating establishment where customers place orders at an inside, or outside, walkup window or service area and where food is either served for consumption within the building or is taken out for consumption away from the premises.

RESTAURANT, FAST-FOOD WITH DRIVE-IN SERVICE - A fast-food restaurant that also provides service to customers who remain seated in automobiles and said service is provided either through an exterior window or service area or directly to parked automobiles.

RETAIL OR RETAILING - A commercial activity that provides for the sale of commodities directly to consumers.

RIGHT-OF-WAY, LEGAL - The total width of any land dedicated as a street, alley, crosswalk, utility or for any other public or private purpose, as reflected on a recorded subdivision plat, boundary plat, or dedication plat.

RIGHT-OF-WAY, ULTIMATE - The total width of any land which is expected to be needed for a street, alley, crosswalk, utility or for any another public or private purpose, including lands privately owned, but intended to be acquired by a public agency.

RIPARIAN BUFFER AREAS - Any area within fifty (50) feet of the top of the bank or five (5) feet from the water's edge at high tide along Pigeon Creek, Stony Run and the Schuylkill River, within which no land disturbance shall be permitted.

ROAD OR ROADWAY - See "Street"

ROOMING HOUSE - A dwelling in which weekly or monthly sleeping accommodations are provided for rent to no more than six (6) persons whether or not the serving of meals is included.

SANITARY LANDFILL - An engineered facility where municipal solid waste and those residual wastes specifically designated as acceptable to the Pennsylvania Department of Environmental Protection are delivered for the purpose of disposal in and on the land in accordance with the rules and regulations of the Department of Environmental Protection. A sanitary landfill shall be owned and/or operated or under the complete control of the Township and/or an authority created by the Township for said purpose of operating said landfill. No other type of landfill, dump or public or private trash collection or transfer area shall be permitted anywhere within the Township.

SATELLITE TELEVISION ANTENNA - Any apparatus (including without limitation any reflector, pedestal, base and/or other attachments, parts, components and support structure or other elements) for, intended for or capable of the reception only of television waves or signals from a transmitter or a transmitter relay located in geostationary or other planetary orbit around the Earth.

SCENIC RESOURCES - The views and vistas, scenic roads, environments and features as identified in the Township Open Space, Recreation and Environmental Resources Plan, Scenic Resources Map.

SCREEN (SCREENING) - See "Landscape Screen"

SEASONALLY HIGH WATER TABLE SOILS - Those soils in which the groundwater surface is one (1) foot or less from the ground surface at certain or all times of the year. By name, these soils are: Bowmansville (Bo), Chewacla (Ch), Croton (CrA, CrB), Glenville (GnA, GnB, GnB2), Readington (RdA, RdB, RdB2), Rowland (Ro, Rp), Wehadkee (We), and Worsham (WoA, WoB, WoB2).

SELECTIVE CUTTING - The felling of certain, but not all, trees in an area for the purposes of: (1) removing dead, diseased, damaged, mature or marketable timber; (2) improving the quality of a tree stand or species; or (3) meeting personal domestic needs.

SERVICE STATION - Structures, buildings, or area of land or any portion thereof that is used for the sale of gasoline or other motor vehicle fuels and which may or may not include facilities for lubricating, washing, sale of

accessories servicing and minor repair of motor vehicles, but not painting or body work or the sale of new or used automobiles. Any business or industry, but not including agricultural uses, dispensing gasoline for its own use and vehicles will be deemed to be a service station.

SEWAGE FACILITIES -

- A. Individual, On-Site Sanitary Sewage Disposal System - The disposal of sewage by use of septic tanks, or other safe and healthful means, approved by the Chester County Health Department, within the confines of the lot on which the use is located.
- B. Community Sanitary Sewage Collection, Treatment, And/Or Disposal System - A sanitary sewage system in which sewage is carried from two or more individual dischargers by a system of pipes to one or more privately owned and/or maintained common treatment and disposal facilities, approved by the Chester County Health Department and The Pennsylvania Department of Environmental Protection. Treatment and disposal may occur either on-site or off-site.
- C. Public Sewage System - Off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SIGHT DISTANCE - For the purposes of this Chapter, the definition shall be as in the Pennsylvania Code, Title 67, Transportation, Chapter 441.1, as most recently amended.

SHOPPING CENTER - A group of three (3) or more commercial establishments planned, developed, operated and managed as an integrated architectural unit providing convenient on-site parking and controlled vehicular and pedestrian access.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE - A lot, tract, or parcel of land, or a contiguous combination thereof, on which grading, construction, or land development is taking place, or is proposed

to take place; the location of the work.

SITE ANALYSIS - An analysis of the natural features on a site intended to promote a site design that is sensitive to the unique natural features of the landscape.

SITE RESTORATION - Measures taken following completion of land disturbance activities which will stabilize the land surface and minimize exposure to possible erosion or sedimentation.

SLOPE - The ratio of the change in elevation (rise) over the horizontal distance (run) as measured between consecutive contour lines, expressed as a percentage. See "Steep Slope Areas"

SPECIAL EXCEPTION - A use which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use in this Chapter. A special exception is allowed (possibly with conditions attached) or denied upon application to the Zoning Hearing Board pursuant to public notice and hearing as set for the in Article XV.

SPECIFIED SEXUAL ACTIVITIES

- A. Sexual conduct as defined in Section 5903 of the Crimes Code, 18 Pa. C.S. §5903, subsection (e).
- B. Sexual excitement as defined in Section 5903 of the Crimes Code, 18 Pa. C.S. §5903, subsection (e).
- C. Sadomasochistic abuse as defined in Section 5903 of the Crimes Code, 18 Pa. C.S. §5903, subsection (e).

SPECIMEN TREE - Any tree equal to or exceeding 24 inches dbh

STEEP SLOPE AREAS - Areas where the slope measured between consecutive contour intervals is greater than or equal to fifteen (15) percent. Such measurement shall be based upon mapping of contour lines at the minimum interval applicable in accordance with the Township Subdivision and Land Development Ordinance. Where topographic data is not available and submission thereof not otherwise required, areas mapped as sloping fifteen percent (15%) or more on the Natural Conditions Map in the Township Open Space, Recreation & Environmental Resources Plan shall be considered steep slope areas, except where applicant has demonstrated otherwise to the satisfaction of the Township.

STEEP SLOPE, PRECAUTIONARY - Areas of land with a slope between fifteen (15%) percent and twenty-five (25%), as defined in Section 410.A.2 of this Chapter.

STEEP SLOPE, PROHIBITIVE - Areas of land with a slope greater than twenty-five (25%) percent, as defined in Section 410.A.1 of this Chapter.

STORAGE, OUTDOOR - The keeping of new or used materials, merchandise, products, equipment or vehicles for a continuous period greater than eight (8) hours. Excluded from this definition are the following:

- A. Equipment, vehicles and materials which are used in connection with a construction project during the period of construction.
- B. The loading or unloading of vehicles which are parked against a building so that all activity occurs within the building.

STORMWATER - Any precipitation, but usually rainfall, which is sufficient to flow on any natural or impervious surface, frequently termed "run-off".

STORY - That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above, but excluding attics.

STREAM - Any watercourse with a defined bed and banks.

STREAM VALLEY - The streams identified in the Township Open Space, Recreation and Environmental Resources Plan, Hydrology and Surface Water Resources Map of stream orders 1, 2, 3 and 4 together with their 100-year floodplains and hydric soils identified as very significant and significant.

STREET - A strip of land, including the entire ultimate right-of-way thereof, publicly owned, dedicated and accepted for public use, or privately owned, abutting and furnishing access to more than one (1) lot, primarily serving, or intended to serve, as a means of vehicular and pedestrian travel, and which may also be used to provide space for sewer, other utilities and sidewalks. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, roadway, highway, lane, alley, service-street, marginal access street, road or similar terms. The following categories of streets are defined as follows:

- A. Arterial - A major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily

as a traffic artery between rural and urban areas.

Arterial streets may be either Principle Arterials or Minor Arterials. Principle Arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor Arterials interconnect with and augment the Principle Arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than Principle Arterials.

- B. Collector - A major street which carries traffic from Local streets to Arterial streets.

Collector streets may be either Major Collectors or Minor Collectors. Major Collectors may provide access to centers of activity, connect with Principle Arterials and allow for more access to adjoining properties than Minor Collectors. Minor Collectors serve more to collect traffic from Local streets and provide access to the smallest of activity centers.

- C. Local - Every public or private street used for access to abutting properties.

Local streets may be Primary Distributor Roadways, Secondary Distributor Roadways or Local Access Streets. A Primary Distributor Roadway is the highest order Local Street which moves traffic from lower order Local Streets to Collector and Arterial Streets. A Secondary Distributor Roadway is the middle order Local Street which carries traffic from Local Access Streets to Primary Distributor Roadways. A Local Access Street is the lowest order Local Street which serves no through function and provides the greatest degree of access.

STREET LINE - The dividing line between a lot and the outside boundary or ultimate right-of-way line of a public street, road, or highway legally open or officially platted; or between a lot and an undedicated street or road over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right-of-way.

STREET, MAJOR - An Arterial Street or Collector Street as defined herein.

STREET TREE - Deciduous hardwood trees, having a caliper of not less than

two and one half (2½) inches, planted adjacent to and outside of a street right-of-way, such trees to be approved as to type by the Board of Supervisors.

STRUCTURAL ALTERATION - Any change in, or addition to, the supporting structural members of a building, or other structure, such as the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure, or adapt it to a different use

STRUCTURAL UNIT - One or more buildings enclosed by continuous exterior walls and a continuous roof.

STRUCTURE - Any manmade object having an ascertainable stationary location on or in land or water whether or not affixed to the land. Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements.

SUBDIVISION - The division or re-division of a single lot, tract, or parcel of land by any means into two (2) or more lots, tracts or parcels of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Subdivision and Land Development Ordinance of East Coventry Township of 1993, as *amended*, as codified at Chapter 22 of the Township of East Coventry Code of Ordinances.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -

- A. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement.
- B. Substantial Improvement includes any repair, restoration or other improvement to structures that have incurred substantial damage

regardless of the actual repair, restoration or other improvement work performed.

C. Substantial Improvement however does not include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which project is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration does not preclude the continued designation of the structure as a historic structure.

SUNSHINE ACT - The Act of July 3, 1986, P.L. 388, No. 84, *as amended*, 65 P.S. § 271 *et seq.*

SWIMMING POOL - A pool or tank capable of containing water to a depth greater than twelve (12) inches for the purpose of swimming and/or other water-related recreational activities. Farm ponds and storm water basins are not swimming pools unless specifically designed for that purpose. For the purposes of this Chapter, a private swimming pool, accessory to a residential use and serving a single dwelling unit, shall not be considered a structure.

TELEPHONE CENTRAL OFFICE - A building and its equipment used for the transmission and exchange of telephone or radio telephone messages between subscribers and other business of a telephone company, providing that in residential districts a telephone central office shall not include public business facilities, storage of materials, trucks or repair facilities, or housing of repair crews.

TENANT HOUSE - A single-family detached dwelling permissible as a separate residence in addition to the principal dwelling on agricultural properties.

TIMESHARE - A development in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the development has been divided.

TOWER - A support structure and the reception and/or transmission antennas upon it intended for the transmission and/or reception of radio, television,

telephone or digital communications, including wireless communications.

TOWNSHIP - The Township of East Coventry, Chester County, Pennsylvania

TOWNSHIP PLANNING COMMISSION - The Planning Commission of the Township

TRACT - One or more contiguous lots assembled and presented as a single property for purposes of subdivision or land development.

TRANSFER STATION - A facility where municipal solid waste is delivered for the purpose of compacting the material for subsequent transport by larger vehicles to a final disposal site or processing facility. A transfer station may include the collection, separation and cleaning of municipal solid waste material for the purpose of recycling.

TRUCK TERMINAL - An area and/or building for the maintenance and storage of trucks and where cargo is stored and where trucks load and unload cargo on a regular basis.

USE - Any purpose for which a building or other structure or a lot or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a lot or tract of land.

VARIANCE - Relief granted by the Zoning Hearing Board from strict conformity with the terms of this Chapter pursuant to the provisions of Article XV of this Chapter and Articles VI and IX of the Municipalities Planning Code.

VEGETATION, PERMANENT - Perennial grasses, legumes or other long-lived plant materials, such as Crown Vetch, Fescues, and Bluegrasses, etc. depending upon the degree of refinement desired.

VEGETATION, TEMPORARY - Fast growing grasses, usually annuals, such as rye, oats, sudan, or other appropriate cover to prevent erosion until permanent vegetation can be installed.

VEHICLE AUCTION - An area of land with or without buildings used for temporary storage, display and wholesale sales of operable and licensed used autos, trucks, boats, motorcycles, or recreational vehicles that are in an operable condition. A vehicular auction is a commercial establishment, subject to the use, development, and design standards of the zoning district in which permitted, and other applicable ordinance provisions. Vehicles stored on-site

shall remain intact and operable and shall not be dismantled, processed, salvaged, crushed, demolished, or sold in parts. See “Junkyard” for comparison.

VIEW - The relative ability to see a given object from a designated location. Views shall be further classified as:

- A. Unobstructed - The ability to see most or all of an object; specifically where more than eighty percent (80%) of the object is visible.
- B. Filtered - The ability to see some of the object; specifically where twenty percent (20%) to eighty percent (80%) of the object is visible.
- C. Hidden - The ability to see little or none of the object; specifically where less than twenty percent (20%) of the object is visible.

WAREHOUSING - The temporary storage of goods and materials within a building, generally for subsequent distribution to other locations, and not involving retail activities.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, [or a] channel, swale, pond, lake or other body of surface water, carrying or holding surface water whether natural or man-made.

WATER HAZARD AREA - Any area of land, whether natural or man-made which is, or may be, hazardous to the public health, safety or welfare as a result of either of the following conditions:

- A. Floodplain - As defined herein.
- B. High Water Table - Soil in which the ground water exists at, or periodically rises to, a level too near the surface of the ground to permit a particular type of construction or installation.

WATER SUPPLY -

- A. Individual System - A safe, healthful, and adequate supply of water to a single user from a private well or spring located on the land of the user.

- B. Central Water Supply System - A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on site and/or off-site. A central system can be further described as either of the following:
1. Public Water Supply System - A system that is owned by a municipality, a public company, or a private company and which serves more than a single community or subdivision and may be interconnected with other water supply systems.
 2. Community Water Supply System - A system that is owned by a municipality, a public company, or a private company which serves a single community or subdivision, is not interconnected with any other water supply system and meets the standards found in 35 P.S., Section 721.3 for at least twenty-six (26) homes.

WATERS OF THE COMMONWEALTH - Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

WETLANDS - Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WETLANDS DELINEATION - The on-site method or process for identifying jurisdictional wetlands which is currently or hereafter adopted by the Pennsylvania Department of Environmental Protection.

WETLANDS DELINEATION REPORT - A document that describes the investigation procedures and findings of a wetlands delineation.

WHOLESALE - A commercial activity comprising the sale of commodities in large quantities or in bulk, to retailers or jobbers, rather than to consumers directly, including warehousing, loading and unloading, and shipping of such commodities.

WILDFLOWER - Native or introduced plants found naturally in the landscape

that are not dependant on man for their presence.

WIRELESS COMMUNICATIONS FACILITY - The antenna, antenna support structure, wireless communications equipment building, and/or other structures and equipment that is licensed by the Federal Communications Commission for the specific purpose of receiving and/or transmitting wireless television, radio, telephone or digital communications. Such use shall not be considered a public utility.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed.

WOODLAND - An ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community consisting predominantly of healthy trees and other woody vegetation, well stocked and growing more or less closely together.

WOODLAND DISTURBANCE -

- A. Any activity which alters the existing structure of a woodland. Alterations include the cutting or removal of canopy trees, sub-canopy trees, under-story shrubs and vines, woody and herbaceous woodland floor species;
- B. Any activity which constitutes a land disturbance, as defined herein, within a woodland;
- C. Woodland disturbance does not include the selective cutting or removal of invasive alien trees, shrubs, vines or herbaceous species including *Rosa multiflora* (Multiflora Rose), *Eleagnus umbellata* (Autumn Olive), *Lonicera japonica* (Japanese Honeysuckle), *Celastrus orbiculatus* (Oriental Bittersweet), *Acer platanoides* (Norway Maple) and *Polygonum perfoliatum* (Mile-a-Minute Weed) and all poisonous plants.

WOODLAND MANAGEMENT PLAN - A description, by means of text and maps, of proposes actions involving the removal of trees from a tract of land. Such plan shall be prepared by a person(s) with demonstrable expertise in forest management and shall document measures to be taken: (1) to protect water quality; (2) to minimize impacts from skid trails and logging roads, landing areas and the tree removal process; and (3) to assure site restoration.

YARD OR SETBACK - An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for permitted signs and fences.

- A. Yard, Front - A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of the principal structure on the lot. See "Lot, Corner".
- B. Yard, Rear - A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of the principal structure on the lot.
- C. Yard, Side - A yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from such side lot line to the nearest point of the principal structure on the lot.

ZONING HEARING BOARD - The Zoning Hearing Board of the Township.

ZONING MAP - The map of the Township indicating the location of boundaries for each zoning district, as adopted by the Board of Supervisors.

ZONING OFFICER - The officer appointed by the Board of Supervisors to administer the provisions of this Chapter in accordance with the literal terms hereof, and who shall have such other powers and duties as provided in Article XVII of this Chapter.

ARTICLE III

ZONING DISTRICTS AND BOUNDARIES

Section 300 ESTABLISHMENT OF DISTRICTS

300. A For the purpose of this Chapter, the Township is hereby divided into eight (8) base zoning districts which shall be designated as follows:

- 300. A.1 FR Farm Residential District
- 300. A.2 R-1 Residential District
- 300. A.3 R-2 Residential District
- 300. A.4 R-3 Residential District
- 300. A.5 NC Neighborhood Commercial District
- 300. A.6 C Commercial District
- 300. A.7 C-1 Commercial/Business Campus District
- 300. A.8 LI Limited Industrial District

The locations and boundaries of such base zoning districts shall be as delineated on the official zoning map on file in the Township offices.

300. B Further, certain areas of the Township are, in addition to the otherwise applicable provisions of this Chapter, subject to the terms of zoning overlay districts as follows:

- 300. B.1 FW - Floodway Floodplain District
- 300. B.2 FF - Flood Fringe Floodplain District
- 300. B.3 FA - General Floodplain District
- 300. B.4 SSCD -Steep Slope Conservation District

300. B.5 HRCD-Historic Resource Conservation District

300. C All of the above overlay districts shall be overlays on and supplements to the base zoning districts and the provisions of the overlay districts shall serve as additional regulations to the provisions of the base zoning districts.
300. D In the event of a conflict between the provisions or requirements of any overlay district and those of the base zoning district, the provisions of the overlay district shall control.
300. E In the event that any provision of the overlay districts is declared inapplicable as a result of any judicial, legislative or administrative action or decision, the other provisions of the overlay districts, and the provisions of the base zoning district shall remain applicable.

Section 301 ZONING MAP

301. A. Zoning Map

301. A.1 Base Zoning Districts

The boundaries of the base zoning districts shall be shown on the map attached to and made part of this Chapter. The map shall be known as the zoning map of East Coventry Township. The official copy of the map shall be located and maintained in the Township offices and shall be available for public inspection. The map and all of the notations, references and data indicated thereon are hereby incorporated by reference into this Chapter. Whenever an amendment to this Chapter, involving a change of district boundaries, is approved and adopted by the Board of Supervisors, such change shall be promptly recorded or otherwise reflected on the zoning map.

301. A.2 Overlay Zoning Districts

The boundaries of the overlay zoning districts shall be as shown on and indicated in and by the studies, maps and surveys described and referred to in Section 302.B.1 of this Chapter. The studies, maps and surveys are fully incorporated by reference in this Chapter and copies

thereof shall be located and maintained for public inspection in the Township offices.

Section 302 ZONING DISTRICT BOUNDARIES

302. A Base Zoning District Boundaries

302. A.1 The boundaries between base zoning districts are, unless otherwise indicated, the centerlines of streets, lanes, lake and watercourses and rights-of-way of power lines, railroads and other public utilities or such lines extended or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse or of the right-of-way of a power line, railroad or other public utility for any portion of its length, the district so indicated shall be construed to apply to and include the entire bed of such street, lane, lake or watercourse or right-of-way lying within such portion of its length.

302. A.2 Where uncertainty exists as to the location of any of the said boundaries as shown on the zoning map, the following rules shall apply:

302. A.2.a Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse or right-of-way of a power line, railroad or other public utility, such centerline shall be construed to be such boundary.

302. A.2.b Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.

302. A.2.c Where a district boundary divides a lot or traverses an undivided property, the location of such boundary, unless otherwise specified by figures on the zoning map, shall be determined by the use of the scale appearing on the map.

302. A.2.d Where figures are shown on the zoning map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

302. B. Overlay District Boundaries

302. B.1 Overlay Floodplain District Boundaries

302. B.1.a The overlay floodplain district boundaries shall include areas subject to inundation by waters of the One Hundred Year Flood (100 Year Flood) and/or subject to periodic flooding and/or overflow. The bases for the delineation of these districts shall be:

- i. The Flood Insurance Rate Map (FIRM), Chester County, Pennsylvania, prepared by The Federal Emergency Management Agency, November 20, 1996 or the most recent revision thereof.
- ii. The Soils Survey of Chester and Delaware Counties, prepared by the Soil Conservation Service, U.S. Department of Agriculture, May, 1963, including, without limitation, the soil survey maps based thereon or the most recent revision thereof.
- iii. The Zoning Map of East Coventry Township.

In the event of any inconsistency between or among any of the foregoing, the source materials described in paragraph i, above, shall prevail over those in paragraph ii and iii and the source material described in paragraph ii shall prevail over the source material in paragraph iii.

302. B.1.b The FW, Floodway Floodplain, District shall include the following areas:

- i. Those areas within the floodplain required to carry and discharge the waters of a One Hundred Year Flood (100 Year Flood) without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas are specifically defined in the floodway data table of the Flood Insurance Study for East Coventry Township and shown on the accompanying flood boundary and floodway map.
 - ii. The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated in the Soil Survey of Chester and Delaware Counties as either alluvial soils (as the same are specifically described hereafter) or water. Such alluvial soils include: Bowmansville (Bo), Chewacla (Ch), Congaree (Cn), Lindsides (Ls), Melvin (Mn), Roland (Ro) and (Rp) and Wehadkee (We). The Soil Survey Maps, prepared by the Soil Conservation Service, shall determine the boundaries of such alluvial soils.
302. B.1.c The FF, Flood Fringe Floodplain, District shall be that area of the One Hundred Year Floodplain (100 Year Floodplain) not included in the FW, Floodway Floodplain, District. The bases for the outermost boundary of this district shall be the One Hundred Year Floodplain (100 Year Floodplain) elevations contained in the Flood Profiles of the Flood Insurance Study for East Coventry Township and as shown on the accompanying flood boundary and floodway map.
302. B.1.d The FA, General Floodplain, District shall be that floodplain area shown on the flood boundary and floodway map accompanying the Flood Insurance Study of East Coventry Township but for which no detailed flood profiles or elevations have been provided. In determining the One Hundred Year

Flood (100 Year Flood) elevations in this district the following sources shall be used:

- i. Floodplain Information Reports, United States Army Corps of Engineers.
- ii. Flood Prone Quadrangles, United States Geological Survey.
- iii. Chester and Delaware Counties Soil Survey (Alluvial Soils), Soil Conservation Service, United States Department of Agriculture.
- iv. Flood Control Investigations, Pennsylvania Department of Environmental Protection.
- v. Known high water marks from past floods.

In the event that the specific One Hundred Year Flood (100-Year Flood) elevation cannot be determined from the foregoing sources, the applicant or appellant for the proposed use, development or activity in the area shall determine such elevation in accordance with hydrological and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by registered professional engineers who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations and other pertinent data as may be required by the Board of Supervisors shall be submitted by the applicant or appellant in sufficient detail to allow a thorough technical review by the Township.

302. B.1.e The boundaries of any floodplain district may be revised by the Board of Supervisors, in accordance with the provisions of Article XVII of this Chapter, where natural and/or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers, a River Basin Commission or other qualified agency or individual,

which changes and/or studies support the revision. Prior to making any such revision, the Board of Supervisors shall obtain approval of and from the Federal Insurance Administration and/or other governmental agency having jurisdiction provided however that, in the case of a revision not initiated or otherwise originated by the Board of Supervisors or the Township Planning Commission, the burden and cost of obtaining such approval shall be upon the Applicant for the revision.

302. B.1.f Initial interpretations of the boundaries of the floodplain districts shall be made by the Zoning Officer who may seek the advice and recommendation of the Township Engineer. Should a dispute arise concerning such interpretation, the Zoning Hearing Board shall make the necessary determination upon timely application of or appeal by the person disputing the interpretation and after hearing thereon in accordance with the provisions of Article XV of this Chapter and/or other law. In any such application or appeal, the person disputing the interpretation shall have the burden of proof (including the burdens of production and persuasion).

Section 303 FEDERAL, STATE, COUNTY OR MUNICIPAL OWNED PROPERTY

Whenever federal, state, county or municipal owned property is included in one or more zoning districts, it shall be subject to the provisions of this Chapter insofar as permitted by the Constitution and Laws of the United States and of the Commonwealth of Pennsylvania.

Section 304 BOUNDARY USE TOLERANCES

Where a lot is divided by a zoning district boundary line, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive district to the nearest lot line but in no case a greater distance than fifty (50) feet, provided that full use is made of the less restrictive area before extension into the more restricted area of said lot and provided further that in no

case shall the use permitted in any zoning district be extended for any distance into any floodplain, steep slope conservation or historic resource conservation overlay district.

Section 305 MUNICIPAL USES

Municipal uses shall be permitted in all base and overlay zoning districts and shall be exempt from the minimum area, bulk and dimensional standards thereof.

ARTICLE IV

NATURAL FEATURES PROTECTION

Section 400 FLOODPLAIN DISTRICTS

In the “FW” Floodway Floodplain District, the “FF” Flood Fringe Floodplain District, and the “FA” General Floodplain District, the following regulations apply:

Section 401 PURPOSE

In addition to the general intent set forth in Section 101 of this Chapter, the specific purpose of the provisions of this Article is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- 401. A Regulating construction, development, uses, activities, and encroachments which, acting alone or in combination with other existing or future construction, development, uses, activities, or encroachments, will cause unacceptable increases in flood heights, velocities, and frequencies.
- 401. B Restricting or prohibiting certain construction, development, uses, activities, and encroachments from locating within areas subject to flooding.
- 401. C Requiring all permitted construction, development, uses, activities, and encroachments occurring in floodplain areas to be protected and/or made flood-proof against flooding and flood damages.

Section 402 GENERAL FLOODPLAIN REGULATIONS

The following regulations shall apply to all floodplain districts:

- 402. A All construction, development, uses, activities, and encroachments occurring within any floodplain district shall be undertaken only in strict compliance with: (a) the provisions of this

Chapter and all other applicable codes and ordinances, including, without limitation, the Building Code and the Subdivision and Land Development Ordinance, as amended, and (b) all federal and state law, including, without limitation, Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Dam Safety and Encroachment Act.

402. B Under no circumstances shall any construction, development, use, activity, or encroachment adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or other drainage facility or system.
402. C Prior to any proposed alteration or relocation of any stream, other watercourse, drainage ditch, or other drainage facility or system within the Township: (a) all required permits or approvals shall be obtained from the Pennsylvania Department of Environmental Protection; (b) notification of the proposed alteration or relocation shall be given by the applicant to all affected adjacent municipalities, the Federal Emergency Management Agency, and the Pennsylvania Department of Community and Economic Development; and (c) the applicant shall certify by a letter from a registered professional engineer that the flood carrying capacity within the altered or relocated portion of the stream, other watercourse, drainage ditch, or other facility or system, shall be maintained.

Section 403 "FW", FLOODWAY FLOODPLAIN DISTRICT
REGULATIONS

The "FW" Floodway Floodplain District shall consist of two distinct areas; the Floodway as defined in Section 302.B.1.b.i and the Floodplain, as defined in Section 302.B.1.b.ii, and the following regulations apply:

403. A No construction, development, use, activity or encroachment shall be permitted except where the effect of the same on flood height is fully offset by accompanying stream improvements which have been approved by all appropriate local, state, and federal authorities.
403. B Permitted Uses in the Floodway and Floodplain Areas

The following uses and activities are permitted provided that they

are (a) in compliance with the provisions of the underlying base zoning district, (b) not prohibited by any other ordinance, and (c) do not require or involve structures, fill, or the storage of materials and equipment.

- 403. B.1 Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 403. B.2 Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- 403. B.3 Accessory residential uses such as yard areas, gardens, play areas, and pervious parking areas.
- 403. B.4 Accessory industrial and commercial uses such as areas for pervious parking and loading.

403. C Uses Permitted By Special Exception in the Floodway Area

The following uses and activities are permitted in the Floodway Area by special exception provided that they are (a) in compliance with the provisions of the underlying base zoning district, (b) not prohibited by any other section of this Chapter, and (c) are undertaken, together with any construction and/or development, in strict compliance with the flood-proofing provisions contained in this Chapter and other applicable codes and ordinances:

- 403. C.1 Structures, except for mobile homes, accessory to the uses and activities described in Subsection 403.B, above.
- 403. C.2 Public improvements such as railroad and street crossings, bridges, transmission lines, pipe lines, and other similar uses.
- 403. C.3 Water-related uses and activities such as marinas, docks, wharves and piers, if designed to minimize the impact on, and damages from flooding.

403. C.4 Temporary uses such as circuses, carnivals and similar activities.

403. C.5 Other similar uses and activities provided they cause no increase in flood heights and/or velocities.

403. D Uses Permitted By Special Exception in the Floodplain Area

The following uses and activities are permitted in the Floodplain Area by special exception provided that they are (a) in compliance with the provisions of the underlying base zoning district, (b) not prohibited by any other section of this Chapter, and (c) are undertaken, together with any construction and/or development, in strict compliance with the flood-proofing provisions contained in this Chapter and other applicable codes and ordinances:

403. D.1 Utilities and public facilities such as water and sewage treatment plants and other similar or related uses.

403. D.2 Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

Section 404 "FF" FLOOD FRINGE FLOODPLAIN DISTRICT
REGULATIONS

In the "FF" Flood Fringe Floodplain District, the following regulations shall apply:

404. A Permitted Uses

In the "FF" Flood Fringe Floodplain District, the development or use of land, and activities thereon, shall be permitted in accordance with the regulations of the underlying base zoning district provided that all such development, use, or activities shall be undertaken in strict compliance with the flood-proofing and related provisions contained in this Chapter and all other applicable codes and ordinances.

404. B Special Provisions for Certain Uses, Activities, and Development.

See Section 406 of this Article for additional provisions concerning certain types of uses, activities, and development in the “FF” Flood Fringe Floodplain District. Notwithstanding any other provision of this Chapter to the contrary, no use, activity or development shall be permitted in the “FF” Flood Fringe Floodplain District that is prohibited by or does not comply with the provisions of Section 406 of this Article.

Section 405 “FA” GENERAL FLOODPLAIN DISTRICT REGULATIONS

In the “FA” General Floodplain District, the following regulations shall apply:

405. A No construction, development, use, activity, or encroachments (including, without limitation, fill, grading, and/or substantial improvements to structures) shall be permitted unless the applicant or appellant for the proposed construction, development, use, activity, or encroachment has demonstrated that the proposed undertaking, when combined with all other uses and anticipated construction, development, uses, activities, and encroachments, will not increase the water surface elevation above the regulatory flood elevation at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights. A registered professional engineer, licensed as such in the Commonwealth of Pennsylvania, shall prepare the necessary hydraulic calculations, reports and studies that are required in and by this section.
405. B In the floodway portion of the “FA” General Floodplain District, the only construction, development, uses activities, and encroachments permitted shall be those permitted in the “FW” Floodway Floodplain District, provided that the effect of the same on flood heights shall be fully offset by accompanying stream improvements.
405. C No new construction or development shall be located within the area measured one hundred (100) feet landward from the top-of-bank of any watercourse.
405. D All construction, development, uses, activities, and encroachments shall be undertaken in strict compliance with the

regulations of the underlying base zoning district, and with the flood-proofing and related provisions contained in this Chapter and all other applicable codes and ordinances.

405. E See Section 406 of this Article for additional provisions concerning certain types of uses, activities, and development within the “FA” General Floodplain District. Notwithstanding any other provision of this Chapter to the contrary, no use, activity or development shall be permitted in the “FA” General Floodplain District that is prohibited by or does not comply with the applicable provisions of Section 406 of this Article.

Section 406 SPECIAL PROVISIONS FOR CERTAIN TYPES OF DEVELOPMENT WITHIN FLOODPLAIN DISTRICTS

406. A Development that may endanger human life.

406. A.1 In accordance with the Floodplain Management Act and the regulations adopted thereunder by the Pennsylvania Department of Community and Economic Development, as required by the Act, any new or substantially improved structures which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

- | | |
|---|--|
| (1) Acetone | (12) Petroleum Products |
| (2) Ammonia | (Gasoline, Fuel, Oil, etc.) |
| (3) Benzene | (13) Phosphorous |
| (4) Calcium Carbide | (14) Potassium |
| (5) Carbon Disulfide | (15) Sodium |
| (6) Celluloid | (16) Sulphur and Sulphur Products |
| (7) Chlorine | (17) Pesticides |
| (8) Hydrochloric Acid | (Including Insecticides, Fungicides, and Rodenticides) |
| (9) Hydrocyanic Acid | (18) Radioactive Substances |
| (10) Magnesium | (Insofar as Such Substances are Not Otherwise Regulated) |
| (11) Nitric Acid and Oxides of Nitrogen | |

406. A.2 Within the “FW” Floodway Floodplain District, any structure of the kind described in Section 406.A.1, above, shall be prohibited notwithstanding any provisions of this Chapter to the contrary.

406. A.3 Where otherwise permitted within the “FF” Flood Fringe Floodplain District or the “FA” General Floodplain District, any new or substantially improved structure of the kind described in Section 406.A.1, above, shall conform to the applicable National Flood Insurance Program requirements of 44 CFR Ch 1, Section 60.3 (10-1-00 Edition), including FEMA Technical Bulletins, and the following provisions, notwithstanding other provisions of this Chapter to the contrary:

406. A.3.a The structure shall be elevated or designed and constructed to remain completely dry up to at least one (1) foot above the one hundred year (100 year) flood elevation.

406. A.3.b To the extent that the structure, or part thereof, will be built at or below the regulatory flood elevation, it shall be designed and constructed in accordance with the standards for completely dry flood-proofing contained in the publication Flood-Proofing Regulations, U.S. Army Corps of Engineers, June 1972, most recent edition, or with other equivalent watertight standards.

406. A.3.c The structure shall be designed to prevent pollution from the structure or activity during the course of a one hundred year (100 year) flood.

406. A.3.d The structure shall not be located within an area measuring one hundred (100) feet landward from the top-of-bank of any watercourse.

406. B Obstructions and Activities Requiring Special Permits

Subject to and in accordance with the Floodplain Management Act and the regulations adopted thereunder by the Pennsylvania Department of Community and Economic Development, the following obstructions and activities, if located partially or entirely

within a floodplain district, shall be permitted only by a special permit issued by the Building Inspector, applied for and issued pursuant to and in accordance with the provisions of the Building Code, provided that such obstructions and activities are otherwise permitted by and under the applicable use and other provisions of the floodplain district and underlying base zoning district in which the obstructions or activities are or to be located. The commencement of any of the following activities, or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:

- 406. B.1 Hospitals, public or private;
- 406. B.2 Nursing homes, public and private; and
- 406. B.3 Jails or prisons.
- 406. C Special Requirements for Mobile Homes.
 - 406. C.1 Within the “FW” Floodway Floodplain District, mobile homes shall be prohibited.
 - 406. C.2 When otherwise permitted within the “FF” Flood Fringe Floodplain District or “FA” General Floodplain District, all mobile homes and any additions or improvements thereto shall comply with the provisions of the Building Code.
- Section 407 FLOODPLAIN DISTRICT WARNING AND DISCLAIMER OF LIABILITY
 - 407. A The degree of flood protection sought by the provisions of this Article and otherwise in this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and the restriction of bridge openings by debris. This Article and other provisions of this Chapter do not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages and not in limitation of the foregoing.
 - 407. B This Section and other provisions of this Chapter shall not create

liability on the part of the Township or any officer or employee thereof for any flood damage that result from reliance on this Article, other provisions of this Chapter, or any administrative decision lawfully made hereunder.

Section 408 STEEP SLOPE CONSERVATION DISTRICT

In addition to the general intent set forth in Section 101 of this Chapter, the specific purpose of this Section is as follows:

- 408. A To promote the public health, safety and welfare by protection of steep slope areas.
- 408. B To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by minimizing disturbances to vegetative ground covers and restricting the re-grading of steep slope areas.
- 408. C To limit soil erosion and the resultant destruction of the land, siltation of streams and damage to the property of individuals.
- 408. D To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of slope areas, changes of ground cover or the erection of structures.
- 408. E To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances.

Section 409 STEEP SLOPE CONSERVATION DISTRICT - GENERAL PROVISIONS

- 409. A No area within the steep slope conservation district shall hereafter be developed without full compliance with the terms of this Section and other applicable regulations. The steep slope conservation district shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the development of land in the Township.

409. B The steep slope conservation district shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the steep slope conservation district, as defined herein, and said uses are in conflict with the permitted uses set forth in this Article.
409. C In those areas of the Township where the steep slope conservation district applies, the requirements of the steep slope conservation district, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.
409. D Each application for construction or land disturbance within the steep slope conservation district shall be submitted in accordance with Section 413, herein. Any area of the steep slope conservation district that falls within the subject lot or lots shall be interpolated and shown on the site plan required under Section 413.A.2 through shading of such area or areas.
409. E Should the steep slope conservation district boundaries be revised, to exclude previously included lands, as a result of legislative or administrative action or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this Article.
409. F For any parcel or any part thereof on which the steep slope conservation district is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on boundaries of the steep slope conservation district, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.
409. G It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.
409. H The granting of a zoning permit or approval of a subdivision or land development plan within or near the steep slope conservation district shall not constitute a representation, guarantee, or warranty of any kind by the Township, or by any official or

employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees. This Chapter does not imply that areas outside the steep slope conservation district boundaries or land uses permitted within said steep slope conservation district will always be totally free from the adverse effects of erosion.

Section 410 STEEP SLOPE DESIGNATION AND INTERPRETATION
OF DISTRICT BOUNDARIES

410. A The steep slope conservation district consists of two (2) areas which are delineated and defined as follows:

410. A.1 Prohibitive Slope - Prohibitive slopes are those of twenty-five percent (25%) or greater slope (e.g., sloping twenty-five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed prohibitive when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate slope of at least twenty-five percent (25%).

410. A.2 Precautionary Slope - Precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope (e.g., sloping fifteen (15) to twenty-five (25) feet vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed precautionary when there are four (4) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen percent (15%) and twenty-five percent (25%).

410. B Steep slopes shall be determined by either aerial photogrammetry with required control points producing an accuracy of +/- 0.5 feet to the contour location or by field survey. The contour intervals shall be set forth at no more than two (2) feet per interval on slopes less than twenty-five percent (25%), and may be set forth at five (5) feet per interval on slopes of twenty-five percent (25%) or greater. On properties containing no slopes greater than ten percent (10%), U.S.G.S. 7.5 minute Quadrangles may be used as the source of slope information, subject to the approval of the Zoning Officer upon the recommendation of the Township Engineer.

410. C Where an interpretation is needed to locate the exact boundaries of the District, in relation to a given parcel, such determination shall be initially made by the Township Engineer. Any party seeking such a determination shall submit a topographic survey of the property and any other pertinent documentation for consideration. The Township Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the Board of Supervisors.
410. D Any party aggrieved by any such determination of the Township Engineer or other decision or determination regarding steep slopes under this Article may appeal to the Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

Section 411 **USES PERMITTED BY RIGHT IN THE STEEP SLOPE
CONSERVATION DISTRICT**

411. A In any part of the steep slope conservation district, all grading shall be minimized, and no grading shall be undertaken within any area of the steep slope conservation district except where approved in conjunction with a use permitted under the terms of this Section.
411. B The following are the only uses permitted as of right in areas of prohibitive slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of top soil unless replaced by approved engineered structures.
411. B.1 Parks and outdoor recreational uses, consistent with the goals of watershed protection.
411. B.2 Yard areas within the steep slope conservation district.
411. B.3 Pastures and other agricultural activities such as tree farming that do not expose the soil to erosion on a regular periodic basis.
411. B.4 Logging and woodcutting, where such activity is limited to highly selective removal of trees and does not involve

clear-cutting. Maximum precautions shall be taken to avoid destruction of or injury to under-story brush and trees.

411. B.5 The minimum possible grading for a driveway, which grade shall not exceed fifteen percent (15%), accessing a single-family dwelling or other building when it can be demonstrated that no other routing that avoids prohibitive slopes is feasible or economically reasonable.

411. B.6 The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that no other routing that avoids prohibitive slopes is practicable or economically reasonable.

411. C The following are the only uses permitted by right in areas of precautionary slope, provided they also are in compliance with the base zoning district and all other provisions of this Chapter.

411. C.1 All uses permitted in areas of prohibitive slopes.

411. C.2 Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Natural Resources Conservation Service or the Chester County Conservation District.

411. C.3 Access roads for the passage of emergency vehicles in the event of fire or accident.

411. C.4 Accessory uses (except swimming pools), necessary for the operation and maintenance of the above permitted uses.

Section 412 USES PERMITTED BY SPECIAL EXCEPTION IN THE STEEP SLOPE CONSERVATION DISTRICT

412. A Any of the following uses are permitted within the steep slope conservation district when approved as a special exception by the Zoning Hearing Board in accordance with the provisions of Article XV of this Chapter provided that the applicant demonstrates that there is no alternative that could avoid encroachment into areas of

prohibitive slope:

- 412. A.1 Any structure permitted by right, special exception, or conditional use according to the terms of the underlying base zoning district.
- 412. A.2 Any road necessary to provide primary access to a use permitted by this Chapter, when no practical alternative exists in an area of lesser slope.

**Section 413 USES PERMITTED BY VARIANCE IN THE STEEP
SLOPE CONSERVATION DISTRICT**

- 413. A Any of the following uses are permitted within the steep slope conservation district when approved as a variance by the Zoning Hearing Board in accordance with the provisions of Article XV of this Chapter:
 - 413. A.1 Within any lot, areas classified as prohibitive slopes may be permanently disturbed for the installation of site improvements subject to the granting of a variance by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty percent (20%) of the total impervious area permitted according to the provisions of the underlying base zoning district.
 - 413. A.2 Within any lot, areas classified as precautionary slopes may be permanently disturbed for the installation of site improvements, subject to the granting of a variance by the Zoning Hearing Board. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty percent (40%) of the total impervious area permitted according to the provisions of the underlying base zoning district.

**Section 414 ADMINISTRATION OF THE STEEP SLOPE
CONSERVATION DISTRICT REGULATIONS**

Administration of this Section is governed by Article XVI of this Chapter. In addition, the following specific application procedure requirements shall apply:

414. A Before a permit is issued for any construction or land disturbance activity on land within or affecting the steep slope conservation district, the following material, in full or in pertinent parts, shall be submitted for review by the Zoning Officer or the Zoning Hearing Board. If the disturbed land contains no steep slopes the application may be reviewed by the Zoning Officer. Conversely, if the disturbed land contains steep slopes the application must be reviewed by the Zoning Hearing Board. No zoning permit shall be issued by the Zoning Officer and no special exception shall be granted by the Zoning Hearing Board without the Township Engineer's review of this material and recommendation thereon.
414. A.1 A grading plan of the property at a scale of no more than one hundred (100) feet to the inch which indicates existing grades and proposed grades, both at two (2) foot intervals, within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly.
414. A.2 A site plan indicating existing and proposed development, structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall located and identify existing vegetation and ground cover within areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed.
414. A.3 Architectural engineered plans, elevations, and sections with such specifications as may be pertinent.
414. A.4 A statement, signed and sealed by a registered architect or engineer, providing construction methods to be used for foundations and other structural situations affected by steep slopes, and addressing methods to preserve the natural watersheds, and prevent soil erosion and excessive surface water runoff to adjacent properties and/or streets.
414. A.5 Plans, profiles, and typical cross-sections of any proposed street, emergency access, or driveway within areas of prohibitive and precautionary slopes, sealed by a registered professional engineer.
414. A.6 A sediment and erosion control plan, with construction narrative, setting forth the measures to control sediments

generated on site by the proposed activity. The plan shall be prepared according to the standards and procedures established by the Natural Resources Conservation Service and the Pennsylvania Department of Environmental Protection.

414. A.7 A statement, signed by the landowner or equitable owner at the time of the subdivision, land development, or building permit application, that there is a full understanding of access as it relates to steep slopes.

Section 415 STANDARDS AND CRITERIA FOR REVIEW OF SPECIAL EXCEPTIONS IN THE STEEP SLOPE CONSERVATION DISTRICT

415. A In evaluating any application for a special exception within the steep slope conservation district, the Zoning Hearing Board shall determine consistency of the proposal with the following:

415. A.1 Disturbance to particularly sensitive features of the site shall be minimized. Site planning emphasis should be given to the protection of:

415. A.1.a The areas of steepest slope, especially those exceeding twenty-five percent (25%).

415. A.1.b Soils with seasonal high water table.

415. A.1.c Underlying geology that comprises, or contributes to, a major groundwater resource, including the flow of existing springs.

415. A.2 Disturbance of steep slopes shall be minimized on the site and on adjacent lands within two hundred (200) feet of the site.

415. A.3 The proposed development, any impervious ground cover, and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.

415. A.4 Removal of, or disturbance to, existing vegetation on the

site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, transportation and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. The Board may require mitigation measures as it deems appropriate.

- 415. A.5 The design and construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties or down-slope watercourses as a result of the proposed activities.
- 415. A.6 Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops, ridgelines, rock outcroppings and the natural terrain and contours of the site.
- 415. A.7 Road construction shall follow the natural topography, with cuts, fills and grading minimized.
- 415. A.8 Innovative, imaginative building techniques that are well suited to slope conditions shall be encouraged, consistent with other applicable codes and regulations.
- 415. A.9 The equilibrium of the slope, as characterized by the existing interrelationships among soil, water, and vegetation, shall be disturbed as little as possible.
- 415. A.10 Finished slopes of all cuts and fills shall not exceed thirty-three percent (33%), unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Township.
- 415. A.11 Exposed cut slopes within or below prohibitive slopes shall be minimized so that engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm by reason of erosion and potential slope failure resulting in mudslides.
- 415. A.12 In addition to all other applicable provisions of this Chapter,

all activities within the steep slope conservation district shall conform to the performance standards set forth in Sections 409 through 415, herein and Section 424 of Subdivision and Land Development Ordinance relating to stormwater management and sediment and erosion control.

Section 416 USES AND/OR STRUCTURES RENDERED NON-CONFORMING BY THE ADOPTION OF THE STEEP SLOPE CONSERVATION DISTRICT

Following the adoption of this Article, any use or structure which is situated within the boundaries of the steep slope conservation district and which does not conform to the permitted uses specified in Sections 411, 412 and 413 herein shall become a non-conforming use or structure, regardless of its conformance to the district in which it is located without consideration of this Section. The expansion or continuance of said non-conforming use or structure shall be governed by the requirements of Article XIX of this Chapter. However, the Zoning Hearing Board shall also ensure that the standards contained in Section 1508 of this Chapter are applied to the expansion or change of said non-conforming use or structure.

Section 417 SEASONALLY HIGH WATER TABLE SOILS AND WETLANDS

417. A Seasonally high water table soils, as defined in Article II, herein, shall not be disturbed by the construction of any structure or any subsurface sewage system. Such soils are those soils in which the groundwater is one (1) foot or less from the ground surface at certain times of the year and/or as noted in the Soil Survey of Chester and Delaware Counties, Pennsylvania as having a periodically seasonally high water table .

417. B Wetlands shall be determined to exist where indicated by the use of the Criteria for Wetland Identification as outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands as adopted by the Pennsylvania Department of Environmental Protection. Where wetlands are found to exist, the following procedures are applicable:

417. B.1 Should the existence of wetlands be indicated after a

review of the requirements of Section 417.B, above, a wetlands delineation shall be performed by a licensed professional engineer, hydrogeologist, soil scientist, or similarly qualified professional experienced in wetland ecology, with the selection of such party to be at the discretion of the applicant. Plans shall be submitted to the Township for review that show the delineation and indicate any disturbance of wetlands anticipated. The qualifications of the consultant performing the delineation shall be submitted with such plans. Further, unless it is clearly evident in such plans and/or by any field review of the Township Engineer that there are no designated wetlands or, if there are, that no disturbance to the designated wetlands is anticipated, the delineation performed shall be submitted to the appropriate regulatory agencies, including, but not limited to, the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection for boundary confirmation and/or requisite wetland permits. All potential impact on wetlands shall conform to applicable regulations, as amended.

417. B.2 Should the Township conclude, after reviewing the information to be determined under Section 417.B and 417.B.1, above, that wetlands exist, or exist to a greater extent on the site, contrary to the applicant's findings, the Township may engage a separate consultant or an independent consultant to review the data and make such examinations in the field as are required to verify or determine the extent of discrepancy from the applicant's wetland determinations. In the event the Township finds the applicant's determination to be incorrect, the applicant shall be required to pay for the cost of the Township's determinations in this regard. In the event that the applicant's wetland determinations are found to be correct, the Township will bear the cost of the verification survey indicated.
417. B.3 Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or granting of applicable permits from the Township shall be contingent upon the applicant receiving all necessary wetlands permits, and/or waivers permit.

Section 418 RIPARIAN BUFFERS

418. A Specified watercourses and their associated buffers shall be protected in accordance with the standards of this Section 417. A riparian buffer of fifty (50) feet from the top of the bank of Pigeon Creek, Stony Run and the Schuylkill River shall be provided, within which no land disturbance shall be permitted except as provided in Section 418.B.
418. B The following uses and activities shall be permitted within the riparian buffer.
- 418. B.1 Regulated activities permitted by the Commonwealth of Pennsylvania (i.e. permitted stream crossing with a maximum ten percent (10%) disturbance).
 - 418. B.2 Provision for unpaved trail access.
 - 418. B.3 Selective removal of hazardous or invasive vegetative species.
 - 418. B.4 Vegetation management in accordance with an approved landscape plan or open space management plan.
 - 418. B.5 A soil or stream conservation project, including reforestation and stream bank stabilization, approved by the Chester County Conservation District.

Section 419 LANDSCAPING SCREENING AND BUFFERING

419. A General Applicability
- All persons undertaking any of the following activities shall comply with the Provisions of Section 428 of the Subdivision and Land Development Ordinance and Sections 1308 and 1309 of this Chapter.
419. A.1 Building Construction
- 419. A.1.a All non-residential building construction excluding agricultural buildings and buildings accessory to residential uses.

- 419. A.1.b All residential dwellings excluding single-family detached dwellings not otherwise requiring subdivision and land development approval.
- 419. A.2 Construction of the following parking areas and loading and storage areas.
 - 419. A.2.a All parking areas that exceed six thousand (6,000) square feet in area.
 - 419. A.2.b All loading or storage areas for equipment or materials that exceed four thousand (4,000) square feet in area.
- 419. A.3 Construction of any of the following structures or facilities that exceed two thousand (2,000) square feet in ground coverage:
 - 419. A.3.a Public utility structures and facilities.
 - 419. A.3.b Liquid and solid waste collection, storage, conveyance, and treatment facilities.
 - 419. A.3.c Stormwater management basins and related facilities, excluding individual on-lot basins that serve only one (1) dwelling.
 - 419. A.3.d Any other structure or facility of a similar character or impact.
- 419. A.4 Land disturbance activities, excluding those of an agricultural nature, exceeding one (1) acre.

ARTICLE V

FR, FARM RESIDENTIAL DISTRICT

Section 500 SPECIFIC INTENT

It is the intent of this article and this zoning district to provide for and to protect, to the maximum extent possible, viable areas for agricultural uses where farming and dairying operations are feasible. It is desired that farming operations should be protected from the impact of major residential and other developments and that other uses may be permitted within this district. It is further the intent of this article and this zoning district to ensure that lots are of sufficient area to accommodate on-lot water supply and sewage disposal facilities consistent with the Township's Act 537 Plan.

Section 501 USE REGULATIONS

501. A Uses Permitted by Right

A building or other structure may be erected or used and a lot may be used or occupied, by right, for any of the following purposes and no other:

- 501. A.1 Agriculture, including farm ponds, provided that any structures used for the housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.
- 501. A.2 Single-family detached dwellings.
- 501. A.3 Conversion of single-family detached dwellings subject to the provisions of Section 1311.B of this Chapter.
- 501. A.4 Municipal uses to which the area, bulk and dimensional standards of this article shall not apply.
- 501. A.5 No-impact home based business
- 501. A.6 Forestry, in accordance with the provisions of Section 1316 of this Chapter.

501. A.5 Communications antennas mounted on an existing public utility transmission tower, or communications antennas mounted on a communication tower placed within or attached to an existing public utility transmission tower with an ancillary communications equipment building.

501. A.6 The co-location of additional sets of communications antennas on an existing communications tower or other existing structure or building provided that major structural changes or additions are not required, and further provided that the first set of communications antennas on any structure or building must be approved as a conditional use subject to the standards for communications towers and communications antennas as conditional uses set forth in Section 1404, herein, and further subject to the supplemental regulations contained in Section 1312 herein.

501. B Conditional Uses

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes and no other:

501. B.1 The following communications towers and antennas subject to the standards for communications towers and communications antennas set forth in Section 1404 herein and further subject to the supplemental requirements of Section 1312 herein:

501. B.1.a Communications towers

501. B.1.b The first set of communications antennas on an existing or new tower, property, building or structure owned by a political subdivision of the Commonwealth of Pennsylvania, or on an existing or new tower, property, building or structure owned by an emergency service provider. Any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.

501. B.1.c The first set of communications antennas on an existing building or structure.

501. C Special Exceptions

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

- 501. C.1 Public or parochial education, religious, charitable or philanthropic uses excluding any correctional or penal institutions or any facility designed or used for court adjudicated persons.
- 501. C.2 Electric substations, telephone central offices, other public utilities, and passenger stations for public transportation, provided that no exterior storage of equipment, housing of repair or other employees or above ground storage of gaseous or liquid fuel shall be permitted, and further provided that any electric transmission lines which may be required shall be located within rights-of-way already owned or leased by the electric utility company.
- 501. C.3 Convalescent facilities
- 501. C.4 Cemeteries excluding crematoria provided that such use shall be in accordance with the laws of the Commonwealth of Pennsylvania.
- 501. C.5 Private clubs for swimming, tennis, golf, equestrian activities, including kennels and similar recreational activities but excluding recreation for the use of motorized vehicles or other motorized equipment provided that the principal activity shall not be one that is customarily operated as a business.
- 501. C.6 Private swimming pools, operated on a commercial basis, or as a private club, subject to the provisions of Section 1313 herein.
- 501. C.7 Any use of the same general character as uses specifically permitted in this Section 501.C.

501. D Signs

Signs shall be permitted in the FR District only in accordance with

the provisions of Section 1314 of this Chapter.

501. E Accessory Uses

Accessory uses to any of the foregoing permitted uses shall be permitted in the FR District only in accordance with Section 1320 of this Chapter.

Section 502 AREA, BULK AND DIMENSIONAL STANDARDS

The following standards shall be applicable to all uses.

502. A Minimum Lot Area, Width and Yards

In addition to the minimum net lot area, lot width and yard requirements set forth below, a minimum of one (1) net acre, not including any protected resources, rights-of-way or other easements, stormwater management facilities, and impervious surfaces, shall be required.

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
2 Acres	200 ft.	70 ft.	50 ft.	70 ft.

502. B Building and Lot (or Site) Coverage

The maximum lot or site building coverage shall not exceed ten (10%) percent and the maximum total lot or site impervious coverage shall not exceed twenty-five (25%) percent.

502. C Height Regulations

The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

502. C.1 For any dwelling or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

502. C.2 For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.

502. C.3. For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

502. D Corner Lots

For each corner lot, each yard fronting on a street shall require a front lot depth.

ARTICLE VI

R-1, RESIDENTIAL DISTRICT

Section 600 SPECIFIC INTENT

It is the intent of this article and this zoning district to provide for low density single-family detached housing, not exceeding one (1) dwelling unit per net acre, within areas of the Township that are suitable for this purpose.

Section 601 USE REGULATIONS

601. A Uses Permitted by Right

A building or other structure may be erected or used and a lot may be used or occupied by right for any of the following purposes:

- 601. A.1 Agriculture, including farm ponds, provided that any structures used for the housing of livestock or poultry shall be located not less than one hundred (100) feet from any lot line.
- 601. A.2 Single-family detached dwelling.
- 601. A.3 Conversion of single-family detached dwellings subject to the provisions of Section 1311.B of this Chapter.
- 601. A.4 Municipal uses, to which the area, bulk and dimensional standard of this article shall not be applicable, but excluding municipal landfills as defined herein.
- 601. A.5 Communications towers on property owned by the Township.
- 601. A.6 No-impact home based business
- 601. A.7 Forestry, in accordance with the provisions of Section 1316 of this Chapter.

601. B Conditional Uses

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

- 601. B.1 Communications towers on property owned by the Township subject to the standards for communications towers and communications antennas set forth in Section 1404 herein, and further subject to the supplemental requirements of Section 1312 herein.
- 601. B.2 The first set of communications antennas on an existing or new tower, property, building or structure owned by the Township, or on an existing or new tower, property, building or structure owned by the Township. Any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.
- 601. B.3 The first set of communications antennas on an existing building or structure owned by the Township.

601. C Special Exceptions

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes and no other:

- 601. C.1 Public or parochial education, religious, charitable or philanthropic uses, excluding correctional or penal institutions.
- 601. C.2 Electric substations, telephone central offices, other public utilities or passenger stations for public transportation provided that no exterior storage of equipment or above ground storage of gaseous or liquid fuel shall be permitted .
- 601. C.3 Cemeteries excluding crematoria provided that such use shall be in accordance with the laws of the Commonwealth of Pennsylvania.
- 601. C.4 Private clubs for swimming, tennis, golf, riding, or other

recreation excluding recreation for the use of motorized vehicles or other motorized equipment provided that the principal activity shall not be one which is customarily conducted as a business. Gunning clubs or other clubs for the use of firearms are not permitted in this district.

601. C.5 Any use of the same general character as uses specifically permitted in this Section 601.C.

601. D Signs

Signs shall be permitted in the R-1 District only in accordance with the provisions of Section 1314 of this Chapter.

601. E Accessory Uses

Accessory uses to any of the foregoing permitted uses shall be permitted only in accordance with Section 1320 of this Chapter.

Section 602 AREA, BULK AND DIMENSIONAL STANDARDS

The following standards shall be applicable to all uses.

602. A Minimum Lot Area, Width and Yards

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	¾ Acre	125 ft.	50 ft.	30 ft.	50 ft.
With No Public Sewage Disposal and/or No Public Water supply	1½ Acres	150 ft.	60 ft.	40 ft.	50 ft.

602. B Building and Lot (or Site) Coverage

The maximum lot or site building coverage shall not exceed ten percent (10%) and the maximum total lot or site impervious coverage shall not exceed twenty-five percent (25%).

602. C Height Regulations

The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

- 602. C.1 For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.
- 602. C.2 For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.
- 602. C.3 For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

602. D Corner Lots

For each corner lot, each yard fronting on a street shall require a front lot depth.

ARTICLE VII

R-2, RESIDENTIAL DISTRICT

Section 700 SPECIFIC INTENT

It is the intent of this article and this zoning district to provide for low density residential development not exceeding one (1) dwelling unit per net acre, unless otherwise specified, where public sanitary sewage disposal and public water supply systems can be provided.

Section 701 USE REGULATIONS

701. A. Uses Permitted by Right

A building or other structure may be erected or used and a lot may be used or occupied, by right for any of the following purposes:

- 701. A.1 Any use permitted in the R-1, Residential District other than uses permitted therein by special exception.

701. B Conditional Uses

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

- 701. B.1 Clustered single-family detached residential development in accordance with the provisions of Sections 703, 1400, 1401, 1402, and 1403 of this Chapter.
- 701. B.1 Communications towers on property owned by the Township subject to the conditional use standards for communications towers and communications antennas set forth in Section 1404, and further subject to the supplemental regulations contained in Section 1312.
- 701. B.2 The first set of communications antennas on an existing or new tower, property, building or structure owned by the Township, or on an existing or new tower, property, building or structure owned by the Township. Any new

tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.

701. B.3 The first set of communications antennas on an existing building or structure owned by the Township.

701. C Special Exceptions

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

701. C.1 Any use permitted as a special exception within the R-1, Residential District may also be permitted when authorized as a special exception within the R-2 District provided that cemeteries shall not be permitted.

701. D Signs

Signs may be permitted in the R-2 District only in accordance with the provisions of Section 1314 of this Chapter.

701. E Accessory Uses

Accessory uses to any of the foregoing permitted uses shall be permitted in the R-2 District only in accordance with Section 1320 of this Chapter.

Section 702 AREA, BULK AND DIMENSIONAL STANDARDS

702. A Single-Family Detached Residential Uses, Agricultural Uses and Non-Residential Uses

The following standards shall be applicable to single-family detached residential uses, agricultural uses and non-residential uses.

702. A.1 Minimum Lot Area, Width and Yards

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	¾ Acre	100 ft.	50 ft.	30 ft.	40 ft.
With No Public Sewage Disposal and/or No Public Water Supply	1½ Acres	150 ft.	60 ft.	40 ft.	50 ft.

702. A.2 Building and Lot (or Site) Coverage

The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

702. A.3 Height Requirements

The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

- (1) For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.
- (2) For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.
- (3) For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

702. A.4 Corner Lots

For each corner lot, each yard fronting on a street shall require a front lot depth.

Section 703 CLUSTERED SINGLE-FAMILY DETACHED
RESIDENTIAL DEVELOPMENT STANDARDS

Clustered single-family detached dwellings shall be permitted as a conditional use in the R-2 Zoning District subject to the provisions of this Section 703 and Sections 1400, 1401, 1402 and 1403 of this Chapter.

703. A Eligibility Requirements

The following requirements shall apply to clustered single-family detached dwelling development:

- 703. A.1 Ownership of a tract of land for development of clustered single-family detached dwellings shall be as prescribed in Section 1401.A of this Chapter.
- 703. A.2 Public sanitary sewage disposal and public water supply systems shall be required for the development of clustered single-family detached dwellings.
- 703. A.3 The minimum gross tract size for a clustered single-family detached dwelling development shall be twenty (20) acres.

703. B Density, Area, Bulk and Dimensional Standards

- 703. B.1 The minimum required open space shall be fifty percent (50%) of the gross tract area.
- 703. B.2 The maximum density shall be two (2) dwelling units per net acre (2 DU/Acre).
- 703. B.3 The minimum lot area shall be eighteen thousand 18,000 square feet.
- 703. B.4 The minimum lot width, measured at the building setback line shall be eighty-five (85) feet.

- 703. B.5 The minimum front yard setback shall be forty (40) feet.
- 703. B.6 The minimum side yard shall be ten (10) feet.
- 703. B.7 The minimum rear yard shall be fifty (50) feet.
- 703. B.8 The maximum height of buildings and other structures shall be as provided in Section 702.A.3
- 703. B.9 The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum total lot or site impervious surface coverage shall not exceed twenty-five percent (25%).

ARTICLE VIII

R-3 RESIDENTIAL DISTRICT

Section 800 SPECIFIC INTENT

It is the intent of this article and this zoning district to provide for medium density residential development not exceeding three (3) dwelling units per net acre where public sanitary sewage disposal and public water supply systems can be provided and the environmental resources identified in Article IV are protected. All such uses shall have direct access to an arterial or collector roadway and a minimum of four hundred (400) feet of frontage on at least one (1) of such roads.

Section 801 USE REGULATIONS

801. A Uses Permitted by Right

A building or other structure may be erected or used and a lot may be used or occupied by right for any of the following uses or combination of uses:

- 801. A.1 Any use permitted in the R-1 Residential District other than uses permitted therein by special exception.
- 801. A.2 Two-family detached dwellings (duplex unit).
- 801. A.3 Single-family semi-detached dwellings (twin unit).
- 801. A.4 Single-family attached dwellings with a maximum of four (4) such attached units per structure.
- 801. A.5 Townhouse dwellings.
- 801. A.6 Garden apartment dwellings.
- 801. A.7 Municipal uses to which the area, bulk and dimensional standards of this article shall not apply.
- 801. A.8 Communications antennas mounted on an existing public utility transmission tower, or communications antennas

mounted on a communication tower placed within or attached to an existing public utility transmission tower, with an ancillary communications equipment building.

801. A.9 The co-location of additional sets of communications antennas on an existing communications tower or other existing structure or building provided that major structural changes or additions are not needed and further provided that the first set of communications antennas on any structure or building must be approved as a conditional use subject to the standards for communications towers and communications antennas as conditional uses set forth in Section 1404 herein and further subject to the supplemental regulations contained in Section 1312 herein.

801. B Conditional Uses

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

801. B.1 Single-family detached residential cluster developments in compliance with the provisions of Section 803 herein.
801. B.2 Adult communities in compliance with the provisions of Section 804 herein.
801. B.3 The following communications towers and antennas subject to the standards for communications towers and communications antennas as conditional uses set forth in Section 1404 of this Chapter and the supplemental regulations contained in Section 1312 of this Chapter, provided that any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet:
801. B.3.a Communications towers, provided that any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.

801. B.3.b The first set of communications antennas on an existing or new tower, property, building or structure owned by a political subdivision of the Commonwealth of Pennsylvania, or on an existing or new tower, property, building or structure owned by an emergency service provider. Any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.

801. B.3.c The first set of communications antennas on an existing building or structure.

801. C Special Exceptions

A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

801. C.1 Any use permitted as a special exception within the R-1 Residential District may also be permitted within the R-3 Residential District provided that a cemetery shall not be permitted.

801. C.2 Mobile home parks in accordance with the provisions of Article V of the Subdivision and Land Development Ordinance.

801. C.3 Assisted living facility.

801. C.4 Bed and breakfast.

801. C.5 Institutional home.

801. D Signs

Signs shall be permitted in the R-3 Residential District only in accordance with Section 1314 of this Chapter.

801. E Accessory Uses

Accessory uses to any of the foregoing permitted uses shall be permitted in the R-3 Residential District only in accordance with Section 1320 of this Chapter.

Section 802 AREA, BULK AND DIMENSIONAL STANDARDS

802. A Single-Family Detached Residential Uses, Agricultural Uses and Non-Residential Uses

The following standards shall be applicable to single-family detached residential uses, agricultural uses and non-residential uses.

802. A.1 Minimum Lot Area, Width and Yards

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	½ Acre	100 ft.	40 ft.	15 ft. (40 ft. aggregate)	40 ft.
With No Public Sewage Disposal and/or No Public Water Supply	1¼ Acres	150 ft.	50 ft.	30 ft.	50 ft.

802. A.2 Building and Lot (or Site) Coverage

The maximum lot or site building coverage shall not exceed fifteen percent (15%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

802. A.3 Height Requirements

The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

802. A.3.a For any dwelling, or any accessory building or

structure, thirty-five (35) feet, not exceeding three (3) stories.

802. A.3.b For any non-dwelling building or other structure, thirty-five (35) feet, not exceeding three (3) stories.

802. A.3.c For farm structures and accessory structures, thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet; provided, that for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard, measured from the structure to the property line or ultimate street right-of-way line, one (1) corresponding foot of additional width or depth.

802. A.4 Corner Lots

For each corner lot, each yard fronting on a street shall require a front lot depth.

802. B Two-Family Detached, Single-Family Semi-Detached, Single-Family Attached, Townhouse and Garden Apartment Residential Uses

The following standards shall be applicable to two-family detached, single-family semi-detached and single-family attached, townhouse and garden apartment residential uses.

802. B.1 All such residential developments shall have a minimum twenty-five (25) acre site with a minimum site width of 400 feet, and public sewage disposal and public water supply shall be provided. The maximum density for any combination of such residential uses, including single-family detached uses, shall not exceed three (3) dwelling units per net acre.

802. B.2 Minimum Lot Area, Width and Yards

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
Two-Family Detached (Duplex Units)	20,000 sq. ft. (Both Units)	100 ft. (Both Units)	30 ft.	20 ft.	40 ft.
Single-Family Semi-Detached (Twin Units)	10,000 sq. ft. (Each Unit)	80 ft. (Each Unit)	30 ft.	20 ft.	40 ft.
Single-Family Attached	10,000 sq. ft. (Each Unit)	80 ft. (Each Unit)	30 ft.	20 ft. (One Only)	None Required
Townhouse	2,600 sq. ft. (Each Unit)	24 ft.	25 ft.		30 ft.
	4,000 sq. ft. (End Unit)	40 ft. (End Unit)		20 ft.	
Garden Apartment	5,000 sq. ft. (Per Unit)	144 ft. (Per Structure)	30 ft.		

802. B.3 Building and Lot (or Site) Coverage

802. B.3.a Two-family detached and single-family semi-detached.

The maximum lot or site building coverage for two-family detached and single-family semi-detached shall not exceed twenty percent (20%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

802. B.3.b Single-family attached dwellings.

The maximum lot or site building coverage for single-family attached dwellings shall not exceed twenty percent (20%) and the maximum total lot or site impervious coverage shall not exceed thirty percent (30%).

802. B.3.c Townhouse dwellings

The maximum lot or site building coverage for townhouse dwellings shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed fifty percent (50%).

802. B.3.d Garden apartments

The maximum lot or site building coverage for garden apartment shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

802. B.4 Maximum Building Length

The maximum length of a row of townhouses or a garden apartment building shall be one hundred and forty-four (144) feet.

802. B.5 Height Requirements

The maximum height of all buildings and other structures shall be in conformance with the standards of Section 802.A.3.

802. B.6 Additional Requirements

All uses permitted in the R-3, Residential, District shall conform to the standards of Sections 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1314, 1319, 1320, 1321, 1324, 1325 and 1333 of this Chapter.

802. B.7 Open Space and Recreation Requirements

Open space and active recreation areas and facilities shall be provided in accordance with the provisions of Sections 1403.A.3, 1403.A.4, 1403.A.5 and 1403.A.6 of this Chapter and Section 426 of the Subdivision and Land Development Ordinance.

Section 803 CLUSTERED SINGLE-FAMILY DETACHED
RESIDENTIAL DEVELOPMENT STANDARDS

Clustered single-family detached dwellings shall be permitted as a conditional use in the R-3 Zoning District subject to the provisions of this Section 803 and Sections 1400 1401, 1402 and 1403 of this Chapter.

803. A Eligibility Requirements.

The following requirements shall apply to clustered single-family detached dwelling development:

- 803. A.1 Ownership of a tract of land for development of clustered single-family detached dwellings shall be as prescribed in Section 1401.A of this Chapter.
- 803. A.2 Public sanitary sewage disposal and public water supply systems shall be required for the development of clustered single-family detached dwellings.
- 803. A.3 The minimum tract size for a clustered single-family detached dwelling development shall be twenty (20) acres.

803. B Density, Area, Bulk and Dimensional Standards

- 803. B.1 The minimum required open space shall be thirty-five percent (35%) of the gross tract area.
- 803. B.2 The maximum density shall be three (3) dwelling units per net acre (3 DU/Acre).
- 803. B.3 The minimum lot area shall be one third (1/3) acre.
- 803. B.4 The minimum lot width, measured at the building setback line shall be seventy-five (75) feet.
- 803. B.5 The minimum front yard setback shall be thirty-five (35) feet.
- 803. B.6 The minimum side yard shall be ten (10) feet and twenty-five (25) feet in aggregate.
- 803. B.7 The minimum rear yard shall be forty (40) feet.

803. B.8 The maximum height of buildings and other structures shall be thirty-five (35) feet, not exceeding three (3) stories.

803. B.9 The maximum lot or site building coverage shall not exceed twenty percent (20%) and the maximum total lot or site impervious surface coverage shall not exceed thirty-five percent (35%).

Section 804 ADULT COMMUNITIES

Adult communities as defined herein shall be permitted as a conditional use in the R-3 Zoning District only in compliance with the following requirements and standards:

804. A All applicable provisions of Article XIV.

804. B Permitted Uses

An adult community may consist of any combination of single uses permitted in the R-3 Residential District and any of the following uses.

804. B.1 Residential Uses

804. B.1.a Single-family detached dwellings.

804. B.1.b Single-family attached dwellings with a maximum of four (4) such attached dwellings per structure.

804. B.1.c Single-family attached (adult community) dwellings.

804. B.1.d Two-family detached dwellings (duplex unit).

804. B.1.e Single-family, semidetached dwellings (twin unit).

804. B.1.f Single-family detached residential cluster developments meeting the requirements of Section 804 herein.

804. B.1.g Two-family, semi-detached dwellings.

804. B.1.h Townhouse dwellings.

804. B.1.i Garden apartment dwellings.

804. B.2 Nonresidential Uses

Nonresidential uses shall be limited in size and scope to serve the adult community only and located within the community and not on the perimeter of the development.

804. B.2.a Community/commercial center.

804. B.2.b Indoor and outdoor recreational facilities.

804. B.2.c Central dining facility.

804. B.2.d Commercial facilities, including drug store, hairdresser, barber shop, doctors office, dentist office, and other commercial stores and shops that are intended to serve the needs of the adult community.

804. B.3 Accessory uses, accessory only to the adult community and customarily incidental to such communities, including administrative offices and maintenance and security facilities for the management of the adult community, community swimming pools, hot tubs, decks, uncovered landings, porches, patios, off-street parking and accessory utility facilities.

804. C Minimum Site Size

An adult community shall only be permitted on a site of a minimum of twenty-five (25) acres.

804. D Density and Open Space Requirements

804. D.1 The maximum gross density of an adult community shall not exceed three (3) dwelling units per acre. Gross density shall be calculated in accordance with the definition thereof in Section 201 of this Chapter.

804. D.2 Open space shall be provided in accordance with Section 1403.A of this Chapter and Section 426 of the Subdivision and Land Development Ordinance.

804. D.3 Area, Bulk and Dimensional Requirements

804. D.3.a Minimum Tract Boundary Setback

No principal structure, accessory structure, excepting a utility structure or parking lot in an adult community shall be located less than seventy-five (75) feet from a tract boundary, nor shall a vehicular access drive, exclusive of ingress and egress facilities and utilities structures, be located less than fifty (50) feet from a tract boundary. In instances where areas of single-family detached and semidetached dwelling units in an adult community abut areas of existing single-family detached and semidetached dwelling units, the setback of a principal structure may be reduced to fifty (50) feet. When a tract boundary abuts permanently protected open space, the setback of a principal structure may be reduced to fifty (50) feet. The seventy-five (75) foot setback shall, however, be maintained in all instances where a tract boundary abuts a public road right-of-way. This shall be the required buffer yard.

804. D.3.b Minimum Internal Setbacks

- | | | |
|------|------------------------------|---------|
| (i) | Setback from paving | 20 feet |
| (ii) | Building to building setback | 30 feet |

804. D.3.c Maximum Building Height

No structure may exceed thirty-five (35) feet in height nor contain more than three (3) stories.

804. D.3.d Maximum Coverage

- | | | |
|-----|-------------------|-----|
| (i) | Building coverage | 35% |
|-----|-------------------|-----|

- (ii) Impervious surface coverage 50%

804. D.4 Internal Vehicular Circulation

The minimum paved roadway in an adult community shall be twenty-four (24) feet. In instances of one-way drives, the minimum paved road width shall be twelve (12) feet. The use of one-way roads for normal internal traffic circulation shall be prohibited.

804. D.5 Pedestrian Circulation

An all-weather surface pedestrian circulation system, interconnecting all dwelling units, service areas, common facilities, recreational facilities and parking areas shall be provided and shall be a minimum of five (5) feet in width.

804. D.6 Off-Street Parking

Off-street parking shall be provided in accordance with the provisions of Section 1305 of this Chapter.

804. D.7 Design Standards

804. D.7.a Landscaping shall be provided in accordance with the provisions of Section 1309 of this Chapter.

804. D.7.b All natural features on the tract shall be protected in accordance with the provisions of Article IV of this Chapter.

804. D.7.c Screening and buffering shall be provided in accordance with the provisions of Section 1308 of this Chapter.

804. D.7.d Exterior Lighting

Exterior lighting shall be provided in accordance with the provisions of Section 427 of the Subdivision and Land Development Ordinance.

804. D.8 Conditional Use Requirements

In addition to the requirements and standards of Article XIV, the following shall be submitted as part of the conditional use application.

804. D.8.a Description of Development.

The applicant shall describe in text and graphical format the general description of the proposed development, its ownership and management, proposed design and quantify all relevant information related to the development of the adult community. At a minimum, the description shall include the number and type of dwelling units and density, the number, types and floor areas of other residential and nonresidential uses, parking requirements, solid waste management, potential employment, the need for the development and the impacts of the development on the character of the community.

804. D.8.b Architectural Renderings

The applicant shall prepare and submit architectural renderings as part of the conditional use application. The architecture of the proposed adult community development shall be designed to preserve and/or enhance the character of the surrounding community.

804. D.9 Declaration of Covenants, Conditions and Restrictions

Prior to final conditional use approval of any subdivision or land development plan for an adult community by the Board of Supervisors, the applicant shall submit for review and record a declaration in a form acceptable to the Township, which shall provide for ownership in the adult community by persons fifty-five (55) years of age and older. The declaration shall also provide for maintenance of any common open space and common facilities such as, but not limited to, interior roads, any community facility, landscaped buffer, with the cost of said maintenance to be

borne and shared by the residents of the community. The declaration shall also provide for the right, but not the obligation, of the Township to maintain and assess the aforesaid common open space and common facilities in the event of the failure or refusal of the association, after notice, to do so and may require financial security in form acceptable to the Township to secure the said maintenance obligations. In the event that the adult community is either a planned community or a condominium, the declaration creating either shall serve as the declaration contemplated by this Section and shall include the provisions required hereby. The declaration of covenants, conditions and restrictions shall be recorded to be binding on each lot, condominium association or homeowners association with evidence of recordation submitted as a condition of final plan approval by the Board of Supervisors.

ARTICLE IX

NC, NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT

Section 900 SPECIFIC INTENT

It is the intent of this Article and these commercial districts to provide for the retail shopping needs and personal service needs of Township residents and to provide for normal commercial operation not permitted elsewhere within the Township.

Section 901 USE REGULATIONS

901. A NC, Neighborhood Commercial District Uses Permitted by Right

A building may be erected or used and a lot may be used or occupied for any of the following purposes:

- 901. A.1 Business or professional office, financial institution, retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances including repair service, and job printing. A multi-use building is permitted.
- 901. A.2 Restaurant, tea room, confectionery or other place serving food or beverages, provided that no outdoor counter or curb service shall be permitted allowing outdoor consumption of food on the premises.
- 901. A.3 Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, pick-up station for laundry and dry cleanings.
- 901. A.4 Single-family detached dwelling in accordance with the provisions of Section 803.A herein.
- 901. A.5 No-impact home based business.

901. A.6 Forestry, in accordance with the provisions of Section 1316 of this Chapter.

901. A.7 Communications antennas mounted on an existing public utility transmission tower, or communications antennas mounted on a communications tower placed within or attached to an existing public utility transmission tower, with an ancillary communications equipment building

901. A.8 The co-location of additional sets of communications antennas on an existing communications tower or other existing structure or building provided that major structural changes or additions are not needed and further provided that the first set of communications antennas on any structure or building must be approved as a conditional use subject to the standards for communications towers and communications antennas as conditional uses set forth in Section 1404 herein and further subject to the supplemental regulations contained in Section 1312 herein.

901. B NC, Neighborhood Commercial District Conditional Uses

A building may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

901. B.1 The following communications towers and antennas subject to the standards for communications towers and communications antennas as conditional uses set forth in Section 1404 herein and further subject to the supplemental regulations contained in Section 1312 herein:

901. B.1.a Communications towers, provided that any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.

901. B.1.b The first set of communications antennas on an existing or new tower, property, building or structure owned by a political subdivision of the Commonwealth of Pennsylvania, or on an existing or

new tower, property, building or structure owned by
an emergency service provider.

901. B.1.c The first set of communications antennas on an
existing building or structure.

901. C NC, Neighborhood Commercial District Special Exceptions

901. C.1 Gasoline filling stations subject to the provisions of Section
1407 herein, and in the case of self-service gasoline filling
stations, such stations shall be subject to the following
requirements:

901. C.1.a The provision of adequate fire prevention devices as
determined by the National Fire Protection Code.

901. C.1.b The provision of automatic shut-off devices to
prevent accidental fuel discharge.

901. C.1.c The provision at all times of readily available
employees or attendants to the pumps.

901. C.1.d That pumps are located not less than fifty (50) feet
from the nearest cartway or road pavement and are
protected, by steel posts, from moving traffic.

901. C.1.e The provision at all times of rigid safety warning
signs.

901. C.1.f A minimum two (2) acre site with a minimum lot
width, measured at the street line, of two hundred
(200) feet.

901. D C, Commercial District Uses Permitted by Right

901. D.1 Any use permitted in the NC, Neighborhood Commercial
District other than uses permitted therein by special
exception.

901. D.2 Club, lodge, fraternal organization, health spa, place of
worship, studio.

- 901. D.3 Passenger station for public transportation; utility substations; and public utility facility, including telephone central office.
- 901. D.4 Indoor theater, bowling lanes or other places of indoor recreation such as handball courts, racquetball courts, indoor tennis courts, health and fitness spas, and a facility such as a gymnasium. All other types of indoor recreation shall be permitted only as a special exception.
- 901. D.5 Automotive service and repairs; storage garage; sales agency for new automobiles including used car sales as an accessory use; automatic car wash facilities subject to the provision of a public water supply and the provision of water recycling facilities.
- 901. D.6 Newspaper printing, job printing, florist shop, greenhouse.
- 901. D.7 Any general retail sales outlet or personal service facility (except that adult book stores and adult only movie facilities, as defined in Section 201 under "Adult-Oriented Use", are prohibited).
- 901. D.8 Hotel or motel, including dining and general meeting room facilities.
- 901. D.9 Animal hospital without outside kennels.
- 901. D.10 No-impact home based business.
- 901. D.11 Forestry, in accordance with the provisions of Section 1316 of this Chapter.
- 901. E C, Commercial District Conditional Uses
 - 901. E.1 Single-family detached dwellings meeting all requirements of Section 803 herein.
 - 901. E.2 Tourist home, rooming house.
 - 901. E.3 Used car lot without new car sales agency.

901. E.4 Undertaking establishment, self-service or hand laundry or cleaning establishment.
901. E.5 Wholesale establishments, lumber yard, building and plumbing supplies, farm machinery sales, warehousing for indoor storage only, and trucking incidental to such uses, provided, however, that truck terminals and exterior storage of truck terminals and exterior storage of trucking vehicles or trailers shall not be permitted.
901. E.6 Gasoline Service Station subject to the requirements of Section 901.C.1 herein.
901. E.7 A shopping center having a minimum lot width of four hundred (400) feet on a major roadway and subject to the submission of a land development plan meeting all requirements of the Subdivision and Land Development Ordinance.
901. E.8 Any use of a similar type and character to the above uses permitted as a conditional use.
901. E.9 Any single commercial use which exceeds fifteen thousand (15,000) square feet of floor area.
901. F Signs
- Signs shall be permitted in the NC, Neighborhood Commercial and C, Commercial Districts only in accordance with the provisions of Section 1314 of this Chapter.
901. G Accessory Uses
- Accessory uses to any of the foregoing permitted uses shall be permitted in the NC, Neighborhood Commercial and C, Commercial Districts only in accordance with Section 1321 of this Chapter.

Section 902 AREA, BULK AND DIMENSIONAL STANDARDS

The following standards shall be applicable to all uses in the NC, Neighborhood Commercial and C, Commercial Districts.

902. A Minimum Lot Area, Width and Yards

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With Public Sewage Disposal and Public Water Supply	1 Acre	150 ft.	50 ft.	30 ft. each	50 ft.
With No Public Sewage Disposal and/or No Public Water Supply	2 Acres	200 ft.	50 ft.	30 ft. each	50 ft.

902. B Building and Lot (or Site) Coverage

The maximum lot or site building coverage shall not exceed twenty-five percent (25%) and the maximum total lot or site impervious surface coverage shall not exceed fifty percent (50%).

902. C Height Regulations

The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

902. C.1 For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.

902. C.2 For any non-dwelling, or any accessory building or structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.

902. C.3 For any farm structure (silo, bar, elevator, etc.), thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided for every foot of height in excess of thirty-five (35) feet, there shall be added to each front, side and rear yard requirement one corresponding foot of additional width or depth.

902. D Corner Lots

For each corner lot, each yard frontage on a street shall require a front lot depth.

Section 903 OTHER REQUIREMENTS AND STANDARDS

903. A Multi-Use Commercial Buildings

In a multi-use commercial building having party walls, no side yard is required except at the end of the structure.

903. B Required Landscaped Buffers

A twenty-five (25) foot wide landscaped buffer area providing an effective screen shall be required for all lots abutting a residential district or a residential use. When a yard abuts a non-residential district or non-residential use a landscaped buffer area of not less than ten (10) feet in width shall be provided within the setback area. The landscaped buffer area shall comply with Section 427 of the Subdivision and Land Development Ordinance.

903. C All applicable requirements of Article XIII herein shall apply to any permitted use in the NC, Neighborhood Commercial District.

903. D Outdoor Display of Merchandise

No merchandise, equipment or other products shall be stored or displayed for sale or otherwise on a lot within a front yard or side yard abutting a street, nor between a street line and the wall of a principal building, except that vehicles for sale may be stored or displayed within the front yard setback.

903. E Parking areas and the parking of vehicles shall not be permitted within the front yard setback, except as provided in Section 903.D, above.

ARTICLE X

LI, LIMITED INDUSTRIAL DISTRICT AND HI, HEAVY INDUSTRIAL DISTRICT

Section 1000 SPECIFIC INTENT

It is the intent of this Article and these industrial districts to provide for sufficient area within the Township to conduct normal industrial operations. The less intensive industrial uses are permitted in the LI District and the more intensive operations are limited to the HI District.

Section 1001 USE REGULATIONS

1001. A LI, Limited Industrial District Uses Permitted by Right

A building may be erected or used and a lot may be used or occupied by right for any of the following uses:

- 1001. A.1 Agriculture, as permitted in Section 501.A.1 of this Chapter but subject to the same restrictions therein and in other sections of this Chapter.
- 1001. A.2 An office park, business campus or industrial park containing the uses otherwise permitted in the LI District.
- 1001. A.3 Business or professional office, bank, passenger station for public transportation, restaurant, personal service shop, provided that such uses are planned and incorporated as an integral part of a permitted office park/industrial park/business campus development.
- 1001. A.4 Wholesaling, warehousing and distribution, excluding outdoor storage of raw materials, bulk storage or sale of coal, petroleum or other fuels.
- 1001. A.5 Gasoline service station meeting all requirements of Section 901.C.1 except that a special exception shall not be required.
- 1001. A.6 Public utility facilities and public facilities owned by East Coventry Township.

- 1001. A.7 Printing facilities, assembly of components manufactured elsewhere, excluding the outdoor storage of raw materials; the sale of farm machinery, lumber, plumbing and building supplies, excluding the outdoor storage of raw materials.
- 1001. A.8 Automotive sales and servicing.
- 1001. A.9 Communications antennas mounted on an existing public utility transmission tower, or communications antennas mounted on a communications tower placed within or attached to an existing public utility transmission tower, with an ancillary communications equipment building.
- 1001. A.10 The co-location of additional sets of communications antennas on an existing communications tower or other existing structure or building; provided, that major structural changes or additions are not needed, and further provided that the first set of communications antennas on any structure or building must be approved as a conditional use subject to the standards for communications towers and communications antennas as conditional uses set forth in Section 1404, and further subject to the supplemental regulations contained in Section 1312.
- 1001. A.11 Forestry, in accordance with the provisions of Section 1316 of this Chapter.

1001. B LI, Limited Industrial District Conditional Uses

A building may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

- 1001. B.1 Communications towers.
- 1001. B.2 The first set of communications antennas on an existing or new tower, property, building or structure owned by a political subdivision of the Commonwealth of Pennsylvania, or on an existing or new tower, property, building or structure owned by an emergency service provider. Any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.

1001. B.3 The first set of communications antennas on an existing building or structure.
1001. B.4 Any use of the same general character as those uses listed in Section 1001.A, above, when authorized as a conditional use.
1001. B.5 Light manufacturing, provided that outdoor storage of products or equipment shall be permitted only when screened from view in accordance with the provisions of Section 427 of the Subdivision and Land Development Ordinance, and further provided that any use or activity which is noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, noise or radiation, or which constitutes a public hazard by fire, explosion or otherwise, shall not be permitted.
- All raw materials used in any permitted manufacturing or assembly process shall be stored in a fully enclosed structure. Farm equipment and industrial vehicles available for sale shall not require enclosures.
1001. B.6 Laboratory for scientific research and development.
1001. B.7 Any use not elsewhere permitted by this Chapter.

1001. C HI, Heavy Industrial District Uses Permitted by Right

A building may be erected or used and a lot may be used or occupied by right for any of the following uses:

1001. C.1 Any use permitted in Section 1001.A of this Chapter shall be permitted in the HI District subject to the same conditions as prescribed in Section 1001.A.

1001. D HI, Heavy Industrial District Conditional Uses

A building may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

1001. D.1 Any use of a similar type and character to the above uses permitted by special exception, provided that the prohibited

uses listed in Section 1006 may not be authorized, approved or permitted by special exception.

1001. D.2 A campground provided that:

- (1) The site for the campground shall have a lot/site area of not less than five (5) acres and not more than twenty-five (25) acres.
- (2) The campground shall provide spaces only for recreational vehicles, travel trailers and tent camping areas, with continuous occupancy of any or all of the foregoing limited to seven (7) consecutive days.
- (3) All required potable water and sewage disposal facilities shall meet the regulations of Chester County and the Commonwealth of Pennsylvania.
- (4) All requirements for campgrounds provided in Section 1331 of this Chapter shall be met.

1001. E Signs

Signs shall be permitted in the LI and HI Districts only in accordance with the provisions of Section 1314 of this Chapter.

1001. F Accessory Uses

Accessory uses to any of the foregoing permitted uses shall be permitted in the LI and HI Districts only in accordance with the provisions of Section 1321 of this Chapter.

Section 1002 SINGLE-FAMILY DETACHED DWELLING USE OF CERTAIN LOTS IN THE LI, LIMITED INDUSTRIAL DISTRICT.

1002. A Notwithstanding any provision of this Article or other provisions of this Chapter to the contrary, a building may be erected and used on an unimproved lot in the LI District, and such unimproved lot may be used and occupied, by right, for a single-family detached dwelling and accessory uses thereto in accordance with Section 1321, herein, subject however to all the following conditions:

1002. A.1 That the lot shall have existed of public record, on and since January 1, 1993, as a lot held in single and separate ownership;
1002. A.2 That the zoning district classification of the lot on January 1, 1993, shall have been R-1 Residential;
1002. A.3 That the single-family detached dwelling shall be the only principal use of the lot; and,
1002. A.4 That the erection, use and occupancy of the building and lot for such single-family detached dwelling and accessory uses shall be in accordance with the regulations of Section 602, herein and other provisions of this Chapter applicable to a single-family detached dwelling principal use in the R-1 District and uses accessory thereto.

Section 1003 AREA, BULK AND DIMENSIONAL STANDARDS

The following standards shall be applicable to all uses in the LI and HI Districts

1003. A Minimum Lot Area, Width and Yards

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With or Without Public Sewage Disposal and/or Public Water Supply	3 Acres	300 ft.	75 ft.	75 ft.	75 ft.

1003. B Building and Lot (or Site) Coverage

The maximum lot or site building coverage shall not exceed thirty-five percent (35%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

1103. C Height Regulations

The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

1003. C.1 For any dwelling, or any accessory building or structure, thirty-five (35) feet, not exceeding three (3) stories.
1003. C.2 For any non-dwelling building or other structure, thirty-five (35) feet, except that such height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.
1003. C.3 For any farm structure (silo, barn, elevator, etc. thirty-five (35) feet, except that such height may be increased to a maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side, and rear yard requirement one corresponding foot of additional width or depth.

Section 1004 OTHER REQUIREMENTS AND STANDARDS

The following requirements and standards shall be applicable to all uses in the LI and HI Districts

1004. A Required Landscaped Buffers

When a yard abuts a residential district or a residential use, a landscaped buffer area, providing an effective screen, of not less than forty (40) feet in width, shall be provided within the setback area. When a yard abuts a nonresidential district or nonresidential use a landscaped buffer area of not less than twenty-five (25) feet in width shall be provided within the setback area. A landscaped buffer area within the setback shall not be required along any Route 724 frontage. The landscaped buffer area shall comply with the Section 427 of the Subdivision and Land Development Ordinance.

1004. B Parking, Loading and Service Area Landscaping

All off-street parking areas and loading and service areas shall be effectively landscaped in accordance with the provisions of Section 427 of the Subdivision and Land Development Ordinance.

1004. C Outdoor Storage

All outdoor storage of finished products, supplies and equipment shall be fully screened from view from any point off the premises however farm equipment and industrial vehicles available for sale shall not require screening. All raw materials used for any permitted use shall be stored in a fully enclosed structure, except that in the HI, Heavy Industrial District, such materials may be stored outdoors provided that screening is provided.

1004. D Land Development Plan Required

A Land Development Plan shall be required for each use or group of uses on a lot.

1004. E All applicable requirements of Article XIII of this Chapter shall apply to each use in this District.

Section 1005 PROHIBITED USES

The following uses shall be prohibited in the LI and HI Districts:

1005. A Abattoir

1005. B Acetylene gas manufacture and/or storage, except where used as incidental to welding fabrication.

1005. C Acid manufacture, such as but not limited to, hydrochloric, nitric, picric, sulfuric, sulfurous, carbolic acid.

1005. D Ammonia, bleaching powder or chlorine manufacture

1005. E Ammunition manufacture and/or storage

1005. F Arsenal

1005. G Asphalt manufacture or refining

1005. H Blast furnace

1005. I Celluloid manufacture

1005. J	Cement, lime, gypsum, or plaster of paris manufacture
1005. K	Coal ovens
1005. L	Creosote treatment or manufacture
1005. M	Dead animal and offal reduction
1005. N	Distillation of bones, coal, petroleum, refuse, grain or wood (except in the manufacture of gas)
1005. O	Distillation of tar
1005. P	Manufacture or storage of explosives, fireworks and gunpowder
1005. Q	Fat rendering
1005. R	Fertilizer manufacture
1005. S	Forge plant
1005. T	Hog farm
1005. U	Incineration, reduction, storage or dumping of slaughter, house refuse, rancid fats, garbage, dead animals or offal
1005. V	Neutralization, processing, or reprocessing of acid or acid by- products
1005. W	Oilcloth, linoleum, vinyl chloride or PVC manufacture
1005. X	Ore reduction
1005. Y	Petroleum or kerosene refining, or re-refining distillation or derivation of by-products
1005. Z	Potash works
1005. AA	Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper, except as a necessary incident of manufacture of which these processes form a minor part, and which are carried on without objectionable noise outside the plant)
1005. BB	Rolling mill

- 1005. CC Steel furnace, blooming or rolling mill
- 1005. DD Tar distillation or manufacture
- 1005. EE Landfill, junkyard or associated uses

ARTICLE XI

C-1, COMMERCIAL AND BUSINESS CAMPUS DISTRICT

Section 1100 SPECIFIC INTENT

It is the intent of this Article and this zoning district to provide for expanded commercial, light industrial and office campus uses within the Pennsylvania Route 724 business corridor.

Section 1101 USE REGULATIONS

1101. A C-1, Commercial and Business Campus District Uses Permitted by Right

A building or buildings including multi-use buildings may be erected or used and a lot may be used or occupied by right for any of the following purposes:

- 1101. A.1 An office park, business campus or industrial park (containing those uses otherwise permitted in this district) and provided that each aforementioned use shall require the submission of a land development plan meeting all requirements of the Subdivision and Land Development Ordinance. Each office park, business campus or industrial park shall have a minimum net lot area of ten (10) acres, and shall have a minimum lot frontage of five hundred (500) feet on a minor arterial road.
- 1101. A.2 Business or professional office, bank, passenger station for public transportation, and restaurant, provided that such uses are planned and incorporated as an integral part of a permitted office park/industrial park/business campus development.
- 1101. A.3 Any general retail sales outlet or personal service facility (except that adult book stores and adult only movie facilities, as defined in Section 201 under "Adult-Oriented Use", are prohibited).

- 1101. A.4 Indoor theater, bowling lanes or other places of indoor recreation such as handball courts, racquet ball courts, indoor tennis courts, health and fitness spas, and a facility such as a gymnasium. All other types of indoor recreation shall be permitted only as a special exception.
- 1101. A.5 New car sales agency and service incidental thereto, including used car sales as an accessory use. Any new or used vehicles for sale shall be set back a distance of fifty (50) feet from a right-of-way line and twenty-five (25) feet from a property line.
- 1101. A.6 Newspaper printing, job printing, florist shop and greenhouse in a permanent building.
- 1101. A.7 Restaurant, tea room, confectionery or other place serving food or beverages, including drive-through restaurants, provided that no outdoor counter or curb service, including drive-in restaurants, shall be permitted allowing outdoor consumption of food on the premises.
- 1101. A.8 Personal service shop including barber, beauty salon, shoe repair, tailor, dressmaking, and pick-up station for laundry and/or dry cleaning.
- 1101. A.9 Passenger station for public transportation, utility substation, and public utility facility, including telephone central office.
- 1101. A.10 Financial institution, and retail establishment for the sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, and electronic appliances including the repair thereof.
- 1101. A.11 A shopping center having a minimum lot frontage of one thousand (1,000) feet on a minor arterial road and subject to the submission of a land development plan meeting all requirements of the Subdivision and Land Development Ordinance.
- 1101. A.12 Agriculture, as permitted in Section 501.A.1 of this Chapter but subject to the same restrictions imposed therein and in other sections of this Chapter.

1101. A.13 Wholesale, warehousing and distribution establishments, excluding; the outdoor storage of raw materials; the bulk storage or sale of coal, petroleum or other fuels; trucking terminals.
1101. A.14 Public utility facilities and public facilities owned by the Township.
1101. A.15 Printing facilities, light assembly of components manufactured elsewhere, farm machinery sales, sales of lumber, plumbing, and building supplies, provided that no outdoor storage of raw materials for any of the foregoing uses shall be permitted. Farm equipment and industrial vehicles available for sale do not require enclosures but must be located a minimum of fifty (50) feet from any right-of-way line or property line.
1101. A.16 Communications antennas mounted on an existing public utility transmission tower, or communications antennas mounted on a communication tower placed within or attached to an existing public utility transmission tower, with an ancillary communications equipment building.
1101. A.17 The co-location of additional sets of communications antennas on an existing communications tower or other existing structure or building provided that major structural changes or additions are not needed, and further provided that the first set of communications antennas on any structure or building must be approved as a conditional use subject to the standards for communications towers and communications antennas as conditional uses set forth in Section 1404 herein and further subject to the supplemental regulations contained in Section 1312 .
1101. A.18 Forestry, in accordance with the provisions of Section 1316 of this Chapter.
1101. B C-1, Commercial and Business Campus District Conditional Uses
- A building or buildings including multi-use buildings may be erected or used and a lot may be used or occupied when authorized as a conditional use for any of the following purposes:

1101. B.1 Communications towers, provided that any new tower shall be designed to accommodate a minimum of four (4) additional communications antennas at a maximum height of one hundred and ninety-five (195) feet.
1101. B.2 The first set of communications antennas on an existing or new tower, property, building or structure owned by a political subdivision of the Commonwealth of Pennsylvania, or on an existing or new tower, property, building or structure owned by an emergency service provider.
1101. B.3 The first set of communications antennas on an existing building or structure.
1101. B.4 Light manufacturing, provided that no outdoor storage of products or equipment shall be permitted and further provided that no use or activity, which is noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration, noise or radiation, or which constitutes a public hazard by reason of fire, explosion or otherwise, shall be permitted.
- All raw materials used in any permitted light manufacturing or assembly process shall be stored in a fully enclosed structure. Trucking terminals are prohibited.
1101. B.5 Laboratory for scientific research and development.
1101. B.6 Any use of the same general character as those uses listed in Section 1101.A, above, when authorized as a conditional use.

1101. D Signs

Signs shall be permitted in the C-1, Commercial and Business Campus District only in accordance with the provisions of Section 1314 of this Chapter.

1101. E Accessory Uses

Accessory uses to any of the foregoing permitted uses shall be permitted in the C-1, Commercial and Business Campus District

only in accordance with the provisions of Section 1320 of this Chapter.

Section 1102 AREA, BULK AND DIMENSIONAL STANDARDS

The following standards shall be applicable to all uses in the C-1, Commercial and Business Campus District.

1102. A Minimum Lot Area, Width and Yards

	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
With or Without Public Sewage Disposal and/or Public Water Supply	3 Acres	300 ft.	50 ft.	50 ft.	50 ft.

1102. B Building and Lot (or Site) Coverage

The maximum lot or site building coverage shall not exceed forty percent (40%) and the maximum total lot or site impervious coverage shall not exceed sixty percent (60%).

1102. C Height Regulations

The maximum height of all buildings and other structures, with the exception of communications towers and antennas, erected or enlarged in this district shall be:

- 1102. C.1 For any dwelling or accessory building or structure, thirty-five (35) feet, not exceeding 3 stories.
- 1102. C.2 For any non-dwelling building or other structure, thirty-five (35) feet, except that the height may be increased to a maximum of sixty-five (65) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side and rear yard requirement one (1) corresponding foot of additional width or depth.
- 1102. C.3 For any farm structure (silo, barn, elevator, etc. thirty-five (35) feet, except that such height may be increased to a

maximum of ninety (90) feet provided that for every foot of height in excess of thirty-five (35) feet there shall be added to each front, side, and rear yard requirement one corresponding foot of additional width or depth.

Section 1103 OTHER REQUIREMENTS AND STANDARDS

The following requirements and standards shall be applicable to all uses in the C-1, Commercial and Business Campus District.

1103. A Required Landscaped Buffers

When a yard abuts a residential district or a residential use, a seventy-five (75) foot setback shall be required and such setback shall contain a landscaped buffer area, providing an effective screen, of not less than forty (40) feet in width. When a yard abuts a nonresidential district or nonresidential use a landscaped buffer area of not less than twenty-five (25) feet in width shall be provided within the setback area. A landscaped buffer area within the setback shall not be required along any PA Route 724 frontage. The landscaped buffer area shall comply with the Section 428 of the Subdivision and Land Development Ordinance.

1103. B Parking, Loading and Service Area Landscaping

All off-street parking areas and loading and service areas shall be effectively landscaped in accordance with the provisions of Section 428 of the Subdivision and Land Development Ordinance.

1103. C Outdoor Storage

All outdoor storage of finished products, supplies and equipment shall be fully screened from view from off the premises however industrial vehicles available for sale shall not require screening. All raw materials used for any permitted use shall be stored in a fully enclosed structure.

No equipment or other products, except industrial vehicles for sale, shall be stored or displayed for sale on a lot within a front yard or side yard abutting a street, or between a street line and the wall of a principal building. Any industrial vehicles for sale

shall be set back a distance of not less than fifty (50) feet from a right-of-way line or property line.

1103. D Multi-Use Commercial Building

In a multi-use commercial building having party walls, no side yard shall be required except at the end of the structure. The minimum distance between buildings located on the same lot shall be thirty (30) feet.

1103. E Vehicular Ingress and Egress

Points of vehicular ingress and egress between a street and all off-street parking and service areas shall be so located and so controlled that vehicles can be moved from the parking and service areas to the street only by way of such designated points of ingress and egress. No parking area shall be permitted which may allow or encourage the backing of vehicles directly onto a street. Service streets shall be required. Access driveway intersection points with PA Route 724 shall be separated by a distance of four hundred (400) feet or greater.

1103. F Land Development Plan Required

A land development plan shall be required for each use or group of uses on a lot.

1103. G All applicable requirements of Article XIII of this Chapter shall apply to any permitted use in the C-1, Commercial and Business Campus District.

ARTICLE XII

HISTORIC RESOURCE PROTECTION STANDARDS

Section 1200 STATEMENT OF INTENT

It is the intent of this Article to provide a comprehensive framework for the preservation of historic sites, objects, buildings, structures, and districts in the Township. The protections and incentives of this Article are targeted toward the Township's most important historic resources and include delay of demolition, area and bulk waivers, and cluster bonuses.

Section 1201 GENERAL PROVISIONS

1201. A Compliance

Any change to a historic resource shown on the historic resources map shall occur only in full compliance with the terms of this Article and other applicable regulations.

1201. B Historic Resources Overlay

The historic resources map shall be deemed an overlay on any zoning district now or hereafter enacted to regulate the use of land in the Township.

1201. B.1 For any property shown on the historic resources map, the requirements and opportunities contained in this Article shall supersede, with the consent of the landowner, the otherwise applicable requirements of the underlying zoning district.

1201. B.2 Should the historic resources map be revised as a result of legislative or administrative action or judicial decision, the zoning requirements and other regulatory measures applicable to the property in question shall be those of the underlying zoning district without consideration of this Article.

1201. C Preservation of Other Restrictions

It is not intended by this Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail.

Section 1202 HISTORIC RESOURCES MAP

1202. A Classifications

The historic resources map delineates two (2) classifications of historic resources in the Township, which are defined as follows:

1202. A.1 Class I

1202. A.1.a Certified historic structures and certified historic districts;

1202. A.1.b Contributing resources, i.e., buildings, sites, structures, and objects filed as such with the National Register of Historic Places or Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

1202. A.1.c Buildings, sites, structures, objects, and districts which have received a Determination of Eligibility (DOE).

1202. A.1.d Resources that meet the National Register Criteria, as determined by the Bureau for Historic Preservation of the Pennsylvania Historical and Museum Commission.

1202. A.2 Class II

Building, sites, structures, objects, and districts included in the historic resources inventory of the Township Historical Commission and not included in class I above.

1202. B Revisions

The historic resources map may be revised from time to time by legislative action of the Board of Supervisors.

1202. B.1 In considering any revision, including additions, deletions, or changes of classification to the historic resources map, the Board of Supervisors shall receive a written recommendation from the Historical Commission provided that such recommendation is accompanied by the property owner's written consent.

1202. B.2 The owner(s) of any property(s) that are the subject of any such proposed administrative action shall be given two (2) written notices of the Historical Commission's recommendation to the Board of Supervisors at least forty-five (45) days prior to the public hearing.

1202. C Historic Resources Inventory

The Historical Commission shall maintain an updated inventory of resources shown on the historic resources map and their respective classifications.

Section 1203 EAST COVENTRY TOWNSHIP HISTORICAL COMMISSION

1203. A Creation and Purpose

1203. A.1 There is hereby created and established in the Township a commission to be known as the East Coventry Township Historical Commission.

1203. A.2 The purpose of the Historical Commission is to serve, under and in accordance with the provisions of this Chapter, as an advisory body and resource to the Board of Supervisors, the Planning Commission, other agencies and officials of the Township, the citizens of the Township, and such other persons as the Board of Supervisors may direct, for advice and information on historic preservation and restoration.

1203. B Membership

- 1203. B.1 The Historical Commission shall be composed of not less than seven (7) or more than fifteen (15) members.
- 1203. B.2 All members of the Historical Commission shall be at the time of appointment and at all times while serving as members of the Historical Commission, residents of the Township.
- 1203. B.3 At least one member of the Historical Commission shall be/ at the time of appointment and at all times while serving as a member of the Commission, also a member of the Planning Commission.
- 1203. B.4 All members of the Historical Commission shall serve without compensation, but, when authorized by the Board of Supervisors, may be reimbursed reasonable expenses necessary to perform the duties and exercise the powers of the Commission.

1203. C Appointment, Term and Vacancy

- 1203. C.1 All members of the Historical Commission shall be appointed by the Board of Supervisors.
- 1203. C.2 Except for the initial term of the members of the Historical Commission first appointed under this Article the term of each member of the Commission shall be for three (3) years or until his or her successor is appointed and qualified. The terms of the members of the Historical Commission first appointed under this Article shall be: two (2) members for one (1) year each; two (2) members for two (2) years each; and the remaining members for three (3) years each.
- 1203. C.3 Members of the Historical Commission may succeed themselves. There shall be no limitation on the number of successive terms a resident may serve as a member of the Commission.
- 1203. C.4 The Chairperson of the Historical Commission shall promptly notify the Board of Supervisors concerning any

vacancies in the Commission. Any such vacancy shall be filled by the Board of Supervisors for the unexpired term.

1203. C.5 At the request of the Board of Supervisors, the Historical Commission shall make recommendations to the Board of Supervisors for appointments to fill vacancies in the Commission.

1203. D Organization, Meetings and Conduct of Business.

1203. D.1 The Historical Commission first appointed shall meet and organize at a public meeting of the Commission held within thirty (30) days after its appointment. Thereafter, the Commission shall meet and organize at a public meeting of the Commission held during the month of January of each year. At each such organization meeting, the Commission shall elect, from among its members, a Chairperson, a Vice Chairperson, a Secretary, and such other officer or officers as it may deem necessary. Each officer shall serve for a period of one (1) year or until his or her successor is elected and qualified. Officers may succeed themselves.
1203. D.2 The Historical Commission shall hold such regular and special meetings, including work sessions and executive sessions, as necessary to perform its duties, exercise its powers and otherwise conduct such business as may properly come before it. The Commission shall keep and maintain minutes and other records of all its meetings and other activities. All meetings of the Commission, including the giving of meeting notices, conduct of meetings, actions taken at meetings, recording of votes, and keeping of meeting minutes, shall be in accordance with applicable provisions of the Sunshine Act and other law.
1203. D.3 All meetings of the Historical Commission shall be held in the Township Building, provided that a meeting of the Commission may be held elsewhere with the approval of the Board of Supervisors. The times of Commission meetings shall be as the Commission deems appropriate.
1203. D.4 A majority of the members of the Historical Commission shall constitute a quorum. Any action to be taken at any meeting of the Commission shall require the affirmative

vote of the majority of the members of the Commission present at the meeting.

1203. D.5 The Historical Commission may make and alter rules and regulations to govern its procedures, including rules and regulations necessary for the conduct of its meetings and the maintenance of order. All such rules and regulations shall be consistent with the ordinances of the Township and other law.
1203. D.6 The Historical Commission, from time to time as it deems necessary, may establish and appoint members to one or more committees for purposes of assisting the Commission with research, providing the Commission expertise, and performing such other duties and functions as may be assigned by the Commission. At least one member of any such committee shall be, at the time of appointment and at all times while serving as a member of the committee, also a member of the Historical Commission. The chairperson of any such committee shall be also a member of the Commission at all times while serving as chairperson. The prior approval of the Board of Supervisors shall be required for the establishment of and appointment of members to any such committee, whose members include, or will include, one or more persons not also members of the Historical Commission.
1203. D.7 The Historical Commission shall maintain and keep on file full records of its actions. All records and files of the Commission shall be (i) kept and maintained in the Township Building or such other place as may be approved by the Board of Supervisors, (ii) available for public inspection and copying at reasonable times, (iii) in the possession of the Board of Supervisors, and (iv) the property of the Township.
1203. D.8 The Historical Commission shall annually prepare and submit to the Board of Supervisors, by March 1 of each year, a written report of its activities for the prior calendar year.
1203. E The Historical Commission shall, at the request of the Board of Supervisors, have the power and duty to do the following which

shall be in addition to such other powers and duties set forth in this Article or otherwise provided by law:

- 1203. E.1 Identify in the Township significant architectural and historical resources, related natural sites, and landscape features that preserve the integrity of such resources and sites; and develop and maintain a detailed inventory and map or maps of such resources, sites and features, including information thereof or related thereto appropriately classified. Such information shall include, but shall not be limited to, documentary evidence, illustrations, photographs, and other appropriate materials.
- 1203. E.2 Create an awareness of the history of the Township from the time of the Native Americans to the present day, including the cultural, agricultural, business, educational, and religious endeavors of all persons who lived and/or worked in the Township throughout its history.
- 1203. E.3 Research and record the history of the Township and serve as an advisory resource for owners of historic resources in the Township involved with the preservation and/or restoration of such resources.
- 1203. E.4 Prepare and submit reports to or for the Board of Supervisors as may be necessary or appropriate or as may be requested from time to time by the Board of Supervisors. Such reports shall be in addition to the annual written report to be prepared and submitted by the Historical Commission to the Board of Supervisors under Section 1203.D.8 of this Article.
- 1203. E.5 Cooperate with and advise the Board of Supervisors, the Planning Commission, and all other Township agencies and officials, Township citizens, and such other persons as the Board of Supervisors may direct, in regard to the preservation and restoration of significant historical structures, sites and natural features, including the review of zoning, subdivision and/or land development proposals, and building and demolition permit applications, which proposals and applications have potential to impact on historic resources.

- 1203. E.6 Consider, promote, and, with the approval of the Board of Supervisors, apply for technical and financial assistance, from all appropriate local, county, state, federal, and other agencies, for the preservation and/or restoration within the Township of significant architectural and historical sites, related natural sites, and landscape features that preserve the integrity of such sites; and report to the Board of Supervisors all actions related to any of the foregoing.
- 1203. E.7 Prepare and submit a yearly budget to the Board of Supervisors during the regular Township budget process for sums deemed necessary by the Historical Commission to perform its duties and exercise its powers.
- 1203. E.8 In conjunction and cooperation with the Board of Supervisors, the Planning Commission and other appropriate public or private groups, to study the feasibility of creating Historic Districts in the Township pursuant to the Historic District Act.
- 1203. E.9 Cooperate with the Board of Supervisors, the Planning Commission, and all other Township agencies and officials, regarding the possible acquisition and use of significant historic structures and sites, including conducting research and proposing the nomination of properties in the Township to the National Register of Historic Places in accordance with the provisions of the National Historic Preservation Act.
- 1203. E.10 Hold public hearings and meetings.
- 1203. E.11 Perform such other duties and take such other actions as may be directed by the Board of Supervisors.
- 1203. F In order to perform its duties and exercise its powers, the Historical Commission may, with the consent of the Board of Supervisors, accept and utilize any funds, personnel, or other assistance made available by Chester County, the Commonwealth or the Federal government or any of their agencies, or from private sources. The Board of Supervisors, in accordance with applicable procedures of the Township and/or other law, may enter into agreements or contracts regarding the

acceptance or utilization of such funds, personnel or other assistance by or for the Commission.

Section 1204 DEMOLITION OF HISTORIC RESOURCES

No class I or class II historic resource may be demolished until the applicant obtains a permit under the Building Code and complies with the following additional procedures.

- 1204. A One (1) copy of the application for demolition shall be forwarded to the Historical Commission, together with recent interior and exterior photographs of the resource proposed for demolition, a site plan showing all buildings on the property, and explanation of the reasons for demolition and future uses of the site.
- 1204. B Within thirty (30) days of receipt of a complete application, at its regular or a special meeting, the Historical Commission shall meet to review the application for demolition. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. In reviewing the application the Historical Commission shall take into account:
 - 1204. B.1 The effect of demolition on the historical significance and architectural integrity of neighboring contributing historic resources.
 - 1204. B.2 Economic feasibility of adaptively reusing the resource proposed for demolition;
 - 1204. B.3 Alternatives to demolition of the resource.
- 1204. C Within thirty (30) days following conclusion at the meeting, the Historical Commission shall set forth its recommendation in a written report to the Board of Supervisors.
- 1204. D Within thirty (30) days of the review of the demolition application by the Historical Commission, the Board of Supervisors shall consider the application for demolition at a public meeting. The applicant will be notified of the meeting and encouraged to present evidence or testimony pertaining to the demolition. The Board of Supervisors may vote to authorize the permit, deny the permit, or delay authorization for a period not to exceed one

hundred eighty (180) days from the date of initial application for a demolition permit, during which period the Township and applicant will explore alternatives to demolition.

1204. E Enforcement.

1204. E.1 Fines and Penalties. Any person who violates the requirements of this Section 1204 shall be subject to the fines and penalties imposed under this Chapter in accordance with Article XIX, as well as applicable fines and penalties imposed under all applicable Township Codes.

1204. E.2 The Board of Supervisors may withhold issuing any building permits for a minimum of six (6) months for a property which, as of the date of enactment of this Chapter, was occupied by a class I or class II historic resource that was demolished in violation of this Section 1204.

Section 1205 MODIFICATION TO USE, AREA AND BULK REGULATIONS

1205. A Board of Supervisors

The Board of Supervisors, through the granting of a conditional use, may approve requested modifications to the otherwise applicable lot size, lot dimension, or yard requirements for plans affecting class I and class II historic resources, in accordance with the criteria set under Section 1402 of this Chapter and provided the following additional criteria are met:

1205. A.1 The granting of the conditional use is deemed by the Board of Supervisors to be necessary for the preservation of a class I historic resource.

1205. A.2 The granting of the conditional use is deemed by the Board of Supervisors to have minimal detrimental effect on neighboring properties.

1205. A.3 Any plans for the rehabilitation, alteration, or enlargement of a class I historic resource shown on the application for conditional use must be in substantial compliance with the standards contained in Section 1207.

1205. B Conditional Use

The following uses, in addition to those otherwise permitted by right, special exception or conditional use, shall be permitted for class I and class II historic resources in the Township subject to the area and bulk standards of the zoning district in which such historic resources are located and the applicable design standards of Article XIII, when approved as a conditional use by the Board of Supervisors, in accordance with the criteria of Section 1402 and the additional criteria set forth in Section 1205.C.

- 1205. B.1 Business and professional office, excluding surgical offices and clinics.
- 1205. B.2 Custom shop for making articles or products sold at retail on the premises, such as custom clothing, art, needlework, baked goods or confectionery.
- 1205. B.3 Museum, gallery or cultural studio.
- 1205. B.4 Specialty retail store, such as gift shop, antique shop or tack shop.
- 1205. B.5 Home and business furnishing and decorating retail store.
- 1205. B.6 Florist shop
- 1205. B.7 Cottage industry, such as a cabinet maker or similar trade.
- 1205. B.8 Accessory use on the same lot.
- 1205. B.9 Restaurant and bed and breakfast.

1205. C Conditional Use Criteria

In considering whether to approve a conditional use pursuant to Section 1205.B, the Board of Supervisors shall determine that the following criteria are met:

- 1205. C.1 The granting of the conditional use is deemed by the Board of Supervisors to be necessary to the preservation of a class I or class II historic resource.

1205. C.2 The granting of the conditional use is deemed by the Board of Supervisors to have a minimal detrimental effect on neighboring properties.

1205. C.3 Any plans for the rehabilitation, alteration or enlargement of a class I or class II historic resource shown on the application for conditional use must be in substantial compliance with the standards contained in Section 1207.

1205. D East Coventry Historical Commission

The Historical Commission shall review the request for conditional use and evaluate whether the proposed modifications are necessary to the preservation of the class I or class II historic resources. The Historical Commission also shall review any construction plans for their compliance with the standards in Section 1207. Recommendations shall be transmitted in the form of a written report to the Board of Supervisors and shall indicate what specific changes in the plans would bring them into substantial compliance with Section 1207.

Section 1206 REVIEW OF PROPOSED REHABILITATIONS,
ENLARGEMENTS, OR ALTERATIONS.

1206. A Permits

No permit for the rehabilitation, enlargement alteration of a class I or class II historic resource shall be issued by the Zoning Officer prior to review and comment on the application by the Historical Commission, in accordance with the terms of this Section 1206. Permits for class I historic resources in certified historic districts shall be issued in accordance with Section 1209.

1206. B Zoning Officer

The Zoning Officer shall provide the Historical Commission with a copy of the application, together with any plans or diagrams required by this Chapter, one (1) week prior to the Historical Commission meeting.

1206. C East Coventry Historical Commission

The Historical Commission shall, within thirty-five (35) days of receipt of a complete application from the Zoning Officer, review the plans for compliance with the standards contained in Section 1207, below, and prepare a written report to the Zoning Officer, with a copy to be sent to the applicant, indicating whether the plans are in substantial compliance. The report shall make suggestions as to what specific changes in the plans would bring them into substantial compliance.

1206. D Issuance of Permit

Upon receiving a report of substantial compliance from the Historical Commission, and providing the plans to satisfy all requirements of the Township, the Zoning Officer shall issue the permit.

1206. E If the Historical Commission's report indicates that the plans are not in substantial compliance, the Zoning Officer shall not issue the permit until:

1206. E.1 The plans have been revised by the applicant in accordance with the Historical Commission's recommendations, or

1206. E.2 Forty-five (45) days have elapsed from the date of application, and all other requirements of the Township have been satisfied.

Section 1207 STANDARDS FOR REHABILITATION

1207. A Standards for Rehabilitation

Any proposed rehabilitation, alteration or enlargement of a class I or class II historic resource under Sections 1205 or 1206 shall be in substantial compliance with the standards and criteria set forth in Sections 1207.A.1 through 1207. A.10, below, provided however that Section 1207. A.6 shall not apply to class II historic resources.

1207. A.1 Every reasonable effort shall be made to provide a

compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

- 1207. A.2 The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- 1207. A.3 All buildings, structures, and sites shall be recognized as products of their own time.
- 1207. A.4 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 1207. A.5 Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- 1207. A.6 Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 1207. A.7 The surface cleaning of structures shall be undertaken with the gentlest means possible. Cleaning methods that will damage the historic building materials shall not be undertaken.
- 1207. A.8 Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

1207. A.9 Design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

1207. A.10 Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

1207. B Compliance

Determination of compliance with these standards shall be made by written report of the Historical Commission. For class I historical resources only, the Historical Commission shall apply such standards by reference to the most current edition of the Secretary of Interior's Guidelines for Rehabilitating Historic Buildings.

Section 1208 BONUS PROVISIONS

In developments proposing to preserve historic resources, deemed important to the Board of Supervisors, one (1) additional lot may be created in excess of the maximum number of lots otherwise permissible under the terms of this Chapter where such lot will contain a class I or class II historic resource to be preserved as part of the development plan.

Section 1209 CERTIFIED HISTORIC DISTRICTS

1209. A Certified Historic Districts

The provisions of this Section 1209 apply only to historic districts in the Township which have been certified by the Pennsylvania Historical and Museum Commission in accordance with the Historic District Act.

1209. A.1 The boundaries of certified historic districts are shown on the historic resources map.

1209. A.2 The provisions of this Section 1209 apply to all land, buildings, and structures within the boundaries of certified historic districts.
1209. A.3 No structure or building shall hereafter be used, and no structure or building shall hereafter be erected, reconstructed, altered, restored, demolished, or razed, in whole or in part, without full compliance with the provisions of this Section 1209 and other applicable regulations.

1209. B Certificate of Appropriateness

No person shall commence any work for the erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure located in whole or in part within the certified historic district, without first obtaining a certificate of appropriateness with respect thereto from the Board of Supervisors as provided hereinafter.

1209. B.1 Duties of the Zoning Officer

The Zoning Officer of East Coventry Township, or such other person or agency charged by the Board of Supervisors with the issuance of permits for the erection, demolition, or alteration of buildings or structures subject to the provisions of this Article, shall issue no permit for any such building changes until a certificate of appropriateness with respect thereto has been received from the Board of Supervisors.

1209. B.2 Application for Permit

The application for a building permit for any building or structures subject to the provisions of this Article shall be filed with the Zoning Officer together with the filing fee required under the schedule of fees then in effect. The application shall include a site plan at a scale of one (1") inch to forty (40') feet, schematic architectural drawings of the proposed construction or changes at a scale of one (1') foot to one fourth (1/4") inch.

1209. B.3 Standards for Determining Appropriateness

In determining whether or not any proposed work for the erection, reconstruction, alteration, restoration, demolition, or razing of any building or structure within the certified historic district is appropriate to the district, the Board of Supervisors shall be guided by design guidelines adopted by the Township, the Secretary of the Interior's Guidelines for Rehabilitating Historic Buildings, as cited in Section 1207, above, and consider the following criteria, where relevant:

- 1209. B.3.a Mass (height, bulk and nature of roof line).
- 1209. B.3.b Proportions (height to width).
- 1209. B.3.c Nature of yard space.
- 1209. B.3.d Extent of landscaped areas versus paved areas.
- 1209. B.3.e The nature of facade openings (doors and windows), their size, locations, and proportions.
- 1209. B.3.f The type of roof (flat, gabled, hip, gambrel, mansard, etc.).
- 1209. B.3.g The nature of projections (porches, etc.).
- 1209. B.3.h The nature of the architectural details and style.
- 1209. B.3.i The nature of the materials.
- 1209. B.3.j Color.
- 1209. B.3.k Texture.
- 1209. B.3.l Ornamentation.
- 1209. B.3.m Signs.

Where the proposed work is to be done on a historic structure within the district, then the primary basis for comparison shall be the structure itself (in its then-existing state as compared to its

state after the proposed work), and the secondary basis for comparison shall be the effect of the proposed work on the district as a whole.

1209. C Public Meeting of the Board of Supervisors

Upon receipt of the written recommendation of the Historical Commission, the Board of Supervisors shall consider, at its next regularly scheduled meeting, the question of issuing a certificate of appropriateness authorizing a permit for the work proposed by the applicant. The applicant shall be given at least ten (10) days notice of the time and place of the meeting at which his application will be considered and shall have the right to attend and be heard regarding his application. All interested persons may appear and be heard at the meeting held by the Board of Supervisors.

1209. C.1 Decision of Board of Supervisors

Within thirty (30) days following the conclusion of the aforesaid public meeting, the Board of Supervisors shall, by official written communication to the applicant, either:

1209. C.1.a Issue a certificate of appropriateness authorizing a permit for the proposed changes as submitted; or

1209. C.1.b Issue a certificate of appropriateness subject to specified changes and conditions not included in the application as submitted, but which would protect the distinctive historic character of the building, site, or area which is proposed to be changed; or

1209. C.1.a Deny a certificate of appropriateness with respect to the proposed changes as submitted.

1209. C.2 Failure of the Board of Supervisors to so act within the said period shall be deemed to constitute a decision in favor of the applicant and a certificate of appropriateness shall thereupon be issued. In the event that approval is granted subject to conditions, the applicant may, within ten (10) days after receiving a copy of the official written communication from the Board of Supervisors, give notice of his refusal to accept all of the conditions, in which case

the Board of Supervisors shall be deemed to have denied a certificate of appropriateness. In the event the applicant does not, within the said period, notify the Board of Supervisors of his refusal to accept all of the said conditions, the approval, with all conditions, shall stand as granted.

1209. C.3 Resolution of Board of Supervisors

The grant or denial of a certificate of appropriateness shall be in the form of a written resolution which shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, referring to such of the criteria set forth in Section 1209.B.3, hereof, which were relevant to its decision.

1209. D Appeals

Any decision of the Board of Supervisors under this Chapter, granting or denying a certificate of appropriateness or authorizing or refusing to authorize a modification in such certificate of appropriateness, shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code.

1209. E Enforcement

The Zoning Officer, or such other person or agency charged by the Board of Supervisors with the enforcement of the provisions of this Article, shall review the progress and status of the proposed changes and render such reports thereon to the Board of Supervisors and to the Historical Commission as may be necessary to assure compliance with the provisions of this Article and the conditions of the certificate of appropriateness.

ARTICLE XIII

GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS

Section 1300 PURPOSE

This Article contains certain general and supplementary regulations and design standards that are common to all zoning districts unless stated as pertinent to a specific district herein.

Section 1301 REDUCTION OF LOT AREA AND FRONT YARD

1301. A No lot shall be so reduced that the area of the lot, or the dimensions of the required yards, shall be less than herein prescribed. The lot area shall not include any portion of the land set aside as right-of-way for a public street.

1301. B Modification of Front Yards

1301. B.1 Where an unimproved lot is situated between two (2) improved lots having on each a principal building within twenty-five (25) feet of the side boundary line of such unimproved lot, which extends into the required front yard of each such improved lot and has been so maintained prior to the effective date of this Chapter, the front yard depth of such unimproved lot may be the average depth of the front yards of such two (2) adjacent improved lots, notwithstanding the yard requirements of the zoning district in which it is located.

1301. B.2 Where an unimproved lot adjoins only one (1) improved lot having a principal building thereon within twenty-five (25) feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained prior to the effective date of this Chapter, the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required in the zoning district in which such unimproved lot is located, notwithstanding the yard requirements of such zoning district.

1301. B.3 The front yard of a proposed building in a Historic District may be decreased in depth to the average alignment of existing buildings within one hundred (100) feet on each side of the proposed building, provided such calculation is limited to the same block. Such reduction may occur when alignment of existing buildings is less than the applicable front yard requirement.

Section 1302 EXEMPTIONS TO HEIGHT RESTRICTION

The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, transmission towers, chimneys, smoke stacks, ventilators, HVAC, water towers, parapet walls less than six feet in height, elevators, flagpoles or other appurtenances usually located above the roof of a building or structure and not intended for human occupancy. The total height of such structures shall be no greater than the smallest horizontal distance between any facade of the structure and the property line closest thereto, or ninety (90) feet whichever dimension is less except that communications towers, including antennas, may be constructed to a maximum height of one hundred and ninety-five (195) feet. When authorized by the Zoning Hearing Board as a special exception, an increase to this maximum height limit may be permitted where it is demonstrated that the structure incorporates safety features, which, in the event the structure is toppled, will prevent it from falling beyond the boundaries of the property. Additionally, the granting of such exception is contingent upon adherence to other applicable Township Codes.

Section 1303 PROHIBITED USES

No use shall be permitted that is noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise or which constitutes a public hazard whether by fire, explosion or otherwise as defined in Section 1331.

Section 1304 ACCESS, HIGHWAY FRONTAGE AND INTERIOR CIRCULATION

In order to minimize traffic congestion and hazard, control street access and encourage orderly development of street highway frontage, the following shall apply:

1304. A Unless clearly impractical, all lots in a residential subdivision shall

have direct access only to a local access street as defined herein.

1304. B Where lots are created having frontage on existing arterial or collector roadways, as defined herein, any proposed subdivision street pattern shall provide reverse frontage to local access streets within the subdivision, and all such lots shall be provided with a minimum rear yard of seventy-five (75) feet from the street line of any principle arterial roadway, minor arterial roadway, major collector roadway, minor collector roadway, primary distributor roadway or secondary distributor roadway, as defined herein.
1304. C All lots radiating from a cul-de-sac shall have a minimum of fifty- (50) feet frontage at the street right-of-way line except where otherwise approved as a condition of approval for a multi-family development.
1304. D Private driveways shall be permitted only in accordance with the provisions of Chapter 21, Streets and Sidewalks, Part 1, Driveways, of the East Coventry Township Code of Ordinances.
1304. E All driveways, aisles, maneuvering spaces, vehicular service areas or spaces between or around buildings, other than those relating to a dwelling, shall be adequately illuminated according to the provisions of Section 427 of the Township Subdivision and Land Development Ordinance.
1304. F No parking, loading or service area shall be located within front yard setback areas in any of the Commercial or Industrial Districts, except that, where this restriction is clearly impractical, the Board of Supervisors may authorize parking, loading or service areas therein as a conditional use.
1304. G In the case of a shopping center, industrial park, professional office park or similar groupings of buildings constructed as part of an integrated plan, and in any other use where practicable, there shall not be more than two (2) access ways to any public street or highway for each four hundred (400) feet of frontage except where more specifically regulated by other provisions herein. All parking, loading or service areas, used by motor vehicles shall be located entirely within the lot line of the property. All access ways to a public street or highway shall be located not less than two hundred (200) feet, measured centerline to centerline, from the

intersection of any street lines. All access ways shall be designed to conform to PennDOT specifications with regard to state roads and the subdivision requirements of the Township for local roads.

1304. H The developer shall be responsible for the design, construction and installation, and the cost thereof, for any necessary traffic control devices and/or highway modifications required by the Township and/or PennDOT.
1304. I Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with access ways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.
1304. J No multi-family residential, institutional, religious, commercial, or industrial building shall be located more than one hundred fifty (150) feet from an open, improved and accessible fire lane easement as defined herein and no more than six hundred (600) feet from a duly dedicated, accessible and improved approved public or private street.
1304. K Fire lane easements shall have a minimum unobstructed right-of-way width of forty (40) feet and there shall be constructed within this right-of-way an all-weather surfaced cartway with a minimum width of twenty (20) feet as approved by the Chief of the appropriate Fire Company and the Board of Supervisors. The extension of fire lane easements shall begin from one or more existing and improved public streets.
1304. L Fire easements that curve, turn or change direction shall have a minimum centerline radius of sixty (60) feet. Fire lane easements containing reverse curves shall have a minimum centerline tangent length of fifty (50) feet between curves.
1304. M Dead-end fire lane easements shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum right-of-way radius of sixty (60) feet and shall have a minimum surfaced radius of thirty-five (35) feet. Dead-end fire lane easements shall have a maximum length of five hundred (500)

feet. The location of fire lane easements shall be coordinated with the extension of streets, sanitary sewers, water mains, storm sewers, and other drainage facilities and public utilities as contained in this Chapter and other applicable Township Codes and shall provide adequate access to buildings by firemen or other emergency services.

Section 1305 PARKING STANDARDS

No building or structure shall hereafter be constructed, enlarged or altered and no use or activity shall be conducted or expanded unless provision is made for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provisions of this Section 1305.

1305. A Location

1305. A.1 All required parking shall be on the same lot as the principal buildings except when permitted by the Board of Supervisors, subject to the following conditions:

1305. A.1.a The owners of two or more establishments shall submit with their application for special exception, a site plan showing joint use, agreement and location of a common off-street parking area;

1305. A.1.b Some portion of the common off-street parking area shall lie within two hundred (200) feet of an entrance, regularly used by patrons, into the buildings served thereby.

1305. A.2 Areas devoted to parking may occupy no more than fifty percent (50%) of any required front, side or rear yard.

1305. A.3 No parking lot for off-street parking or for the storage or movement of motor vehicles shall directly abut a public street and shall be separated from the street line by a minimum of five (5) feet by a buffer planting strip.

1305. B Size

1305. B.1 Parking spaces shall have an approved all-weather surface, shall have convenient access in all seasons and shall meet the following dimensional standards:

	<u>Angle of Parking Row to Parking Aisle</u>			
	30°	45°	60°	90°
Depth of Parking Row	18'	20'	21'	19'
Width of Parking Space	10'	10'	10'	10'
Width of Aisle	11' (1 way)	13' (1 way)	18' (1 way)	24' (1 or 2 way)

Parallel Parking Spaces Shall be a Minimum of Twenty (20) Feet in Length and Ten (10) Feet in Width.

1305. B.2 The Board of Supervisors may approve the use of continuous curbs as wheel stops in which case the length of the parking space may be two (2) feet less than otherwise required, provided that the parking lot layout allows for a vehicle to overhang the continuous curb by two (2) feet. The overhang area shall be clear of all obstructions and shall not be regarded as any required landscape area or pedestrian circulation space.

1305. C Access and Interior Drives

1305. C.1 Interior drives shall be clearly marked and maintained by adequate painting, marking, curbing and signs so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.
1305. C.2 All parking lots shall be so divided by permanent raised perimeter curbing and/or planting strips that access lanes are clearly defined and that moving traffic will be confined to designated access lanes.
1305. C.3 Driveways shall be so constructed as to permit vehicles to

turn around on the lot so as to eliminate the necessity of backing either on or off the lot.

1305. D Design and Maintenance

1305. D.1 General On-Site Circulation

1305. D.1.a There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space. Pedestrian circulation between buildings shall be designed to prevent the unnecessary exposure of pedestrians to vehicular traffic.

1305. D.1.b Roads, pedestrian walks, bicycle facilities and open space shall be designed as integral components of the overall site design and shall be properly related to existing and proposed buildings and appropriately landscaped.

1305. D.1.c Landscaped, paved and comfortably graded pedestrian walks, appropriate also for wheelchairs, shall be provided along the paths of the most intense use, particularly from building entrances to parking areas and adjacent buildings. Such walks shall have a minimum width of five (5) feet.

1305. D.1.d The materials used in the design of paving, lighting fixtures, retaining walls, fences, curbs and benches shall be of good appearance, easily maintained and appropriate to their function.

1305. D.1.e Ramps, providing access from parking areas to buildings, shall be provided for persons with disabilities in accordance with the Americans with Disabilities Act.

1305. D.1.f Parking areas shall be designed so that a vehicle within the parking area will not have to enter a street to gain access to another part of the parking area.

1305. D.1.g Access ways, parking areas and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers and/or landscaped islands. To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be designed and landscaped so as not to impair visibility needed for traffic flow and turning movements.

1305. D.1.h The design of access and traffic control and of interior circulation shall, in all other respects, comply with the requirements of Section 1304.

1305. D.2 General On-Site Parking Design

Parking areas shall have a dust-free, all-weather surface that shall be paved unless otherwise approved by the Board of Supervisors. Where recommended by the Township Engineer and approved by the board of Supervisors, specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater supplies and to reduce problems associated with runoff.

1305. D.2.a Parking areas shall have a minimum slope of one percent (1%) in any direction to provide for drainage and a maximum slope of five percent (5%) for convenience and storm water management.

1305. D.2.b All parking bays shall be marked by durable painted lines at a minimum of four (4) inches in width and extending the entire length of the parking space or by curbs or other means to clearly indicate individual spaces. Signs or markers located on the surface of the parking lot shall be used as necessary to assure efficient and safe traffic operation.

1305. D.2.c Lighting shall be provided to

illuminate any off-street parking spaces to be used at night. Lighting facilities shall comply, in all applicable respects, with the standards and requirements of Section 427 of the Subdivision and Land Development Ordinance.

1305. D.2.d Parking area landscaping and screening shall be provided in accordance with the provisions of Section 428 of the Subdivision and Land Development Ordinance.

1305. D.2.e Any person operating or owning a parking lot shall keep it free of dust and loose particles and shall promptly remove snow and ice from the surface. Such person shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep sidewalks in a safe condition for use by pedestrians. All signs, markers or any other method use to indicate the direction of traffic movement and the location of parking spaces shall be maintained in a neat and legible condition. Any walls or landscaping as well as surfacing and curbing of the parking lot shall be maintained in good condition throughout their use. In the event that a parking area is improperly maintained, The Board of Supervisors shall have the authority to prohibit the use of the area for parking purposes unless and until the proper maintenance, repair or rehabilitation has been completed.

1305. D.3 Any parking for five (5) or more vehicles on a lot which abuts a residential district or a lot for residential purposes, whether single-family or multifamily, shall be screened from the adjacent property by an effective screen the entire length of the parking lot, according to the requirements of Section 428 of the Subdivision and Land Development Ordinance.

1305. D.4 Handicapped Parking

1305. D.4.a A minimum of one (1) handicapped accessible parking space shall be provided for each twenty (20)

parking spaces plus one (1) space for any remaining fraction of twenty spaces. Such spaces shall be a minimum of 12.5 feet wide by 20 feet long, and shall be located so as to provide the safest and most efficient access to the principal building served by the parking lot. For every eight handicapped accessible parking spaces or fraction of eight handicapped accessible spaces, there shall be at least one (1) such space that is van accessible.

1305. D.4.b Each handicapped space or group of spaces shall be identified with a clearly visible vertical sign displaying the international symbol of access and the fines and penalties for violations.

1305. D.4.c Where possible, handicapped spaces shall be located so that persons determined to be disabled under the Americans with Disabilities Act are not compelled to wheel or walk behind parked cars.

1305. D.4.d Curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

1305. E Minimum Off-Street Parking Space Requirement

The following shall be the minimum number of off-street parking spaces required for each land use, activity, building or structure permitted by this Chapter. When the determination of the number of off-street parking spaces results in the requirement of a fractional space, any fraction shall count as one (1) space. Parking spaces required on an employee basis shall be based upon the projected maximum number of employees on duty or residing, or both, on the premises at any one (1) time and include any overlap of employees due to a shift change.

Use	Parking Spaces Per 1000 sq. ft. Gross Floor Area	Other Standards
<u>Residential Uses</u>		
Single Family Detached or Semi-Detached, Mobile Homes,		2.0 per DU

Single Family Attached, Multi- Family	-	2.0 per DU, plus 0.5 per DU visitor spaces
Adult Community		
Single-family Detached		2.0 per DU
Two-family and Townhouse		1.5 per DU
Multi-Family		15% of total DU requirement
Visitor		
Nonresidential Uses		As required by this Table
<u>Industrial Uses</u>		
Warehouse, Storage Establishment, Wholesaling, Manufacturing	0.5	Plus 5.0 spaces
Mini-warehouse/Self Storage	-	3.5 per 1000 sq. ft. of office
Research and Development, Laboratories	3.0	-
Electric Utility Facility	-	1.0 per employee, greatest shift plus 10% for visitors
<u>Office Uses</u>		
General	3.5	-
Government	4.0	-
Medical	4.5	-
Bank/Financial	4.0	Plus 6.0 stacking per drive-in lane
<u>Commercial Retail Uses</u>		
General	4.0	-
Shopping Center	4.5	-
Furniture, Carpet	1.0	Plus 5.0 spaces
Roadside Stand	-	1.0 per 250 sq. ft. of sales/display
Hardware, Home Improvement	4.0	-
Building Materials	2.0	Plus 5.0 spaces
Automobile, Truck, Boat, Mobile Dwelling	-	5.0 space minimum plus

Unit, Trailer, Outdoor Equipment , Motorcycle Sales		1.0 per 1000 sq. ft. of floor and ground area of sales, service, display, and/or storage
Laundromat	20.0	-
Convenience Store	5.0	gas sales calculated separately
Supermarket	4.0	-
<u>Commercial Service Uses</u>		
Personal Service Businesses	4.0	-
Funeral Homes	8.0	-
Fitness Center/Health Club	10.0	-
Restaurant	9.0	Plus parking for one quarter of outdoor seating area, plus 1.0 per employee, greatest shift
Restaurant, fast food/take-out	15.0	Plus 6.0 stacking spaces per drive through lane
Veterinary Services, pet grooming	3.5	-
Kennel	0.5	Plus 5.0 space minimum
Drive-in Facility	-	6.0 per drive-in lane
All Other	4.0	-
<u>Commercial Auto Service</u>		
General, including vehicle repair	1.5	Or 4.0 per bay, whichever greater
Carwash (single car, automatic bay)	2.0	Plus 6.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (multiple car, automatic bay)	4.0	Plus 12.0 stacking spaces per bay and 2.0 drying spaces per bay
Carwash (self wash bay)	-	3.0 per bay
Gas Station	-	1.0 per pump plus 6.0 stacking spaces per island

Commercial Lodging

Hotel, Motel	-	1.0 per guest room and 1.0 per employee, plus required spaces for any other facility
Bed and Breakfast	-	1.0 per guest room, plus 2.0 per dwelling unit
Campground	-	1.0 per camp space plus 1.0 per employee

Institutional Uses

Place of Public Assembly, Church	-	1.0 per 3 seats or 10.0 per 1,000 sq. ft. of assembly area, whichever greater
Club, Association (no food service)	6.0	-
Club, Association (with food service)	10.0	-
Fire Station	-	4.0 per vehicle bay plus 10.0 per 1,000 sq. ft. public assembly area
Library, Museum	3.5	Plus 7.5 per 1,000 sq. ft. public assembly area
Assisted Living Facility, Nursing Home	-	0.33 per bedroom
Day Care, Kindergarten, Preschool and Elder Day Care	4	Plus 1 per teacher/care giver, plus bus stacking lane(s) as required by the Board of Supervisors
School, Elementary or Junior High	-	2.0 per classroom plus 7.5 per 1,000 sq. ft. public assembly
School, Senior High, Trade, Vocational, College, University	-	10.0 per classroom, plus 7.5 per 1,000 sq. ft. public assembly
Group Homes, Institutional, Monasteries, Convents	-	0.75 per bedroom
Rooming and Boarding Houses	-	1.25 per guest room
Police Station	4.0	-
Post Office	5.0	-

Hospital, Sanitarium	-	1.0 per 3 beds, plus 1.0 per employee greatest shift
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Outdoor Recreation and Amusement

Camps, day or youth	-	0.66 per 1000 sq. ft. of area
Golf Course	-	3.0 per hole
Golf Driving Range, Rifle Range	-	1.0 per station
Park, Playground	-	0.2 per 1000 sq. ft. of area
Equestrian Facilities	-	1.0 per 4 stalls, plus 0.5 per 1000 sq. ft. of riding area
Swimming Pool	-	4 per 1000 sq. ft. of pool surface, plus 1 per employee, greatest shift
Tennis Courts	-	3.0 per court
Athletic Fields	-	15.0 per field plus 1.0 per 4 permanent seats
All Other Active Uses	-	0.1 per 1000 sq. ft. of area
All Other Passive Uses	-	5.0 minimum plus 1.0 per acre (under 50 ac.) or 1.0 per 3 acres (over 50 ac.)

Indoor Recreation and Amusement

Swimming Pool	-	1.0 per 100 sq. ft. pool surface
Indoor Court Games	-	3 per court
Community Center, Auditorium, Stadium, Gymnasium	-	1.0 per 4 permanent seats or 10.0 per 1000 sq. ft. of public assembly, whichever greater
All Other	-	1.0 per 4 permanent seats or 10.0 per 1000 sq. ft. of public assembly, whichever greater

Outdoor Commercial Recreation and Amusement

General	-	5.0 minimum plus 0.66 per 1000 sq. ft. of area
Outdoor Court Games	-	3.0 per court plus 1.0 per 4 permanent seats
Miniature Golf Course	-	3.0 per hole
Outdoor Arenas	-	1.0 per 3 permanent seats
Country Club, Golf Club	-	4.0 per hole, plus ancillary use requirements

Indoor Commercial Recreation and Amusement

General	6.0	-
Amusement Park	-	Determined by Township
Bowling Lanes, Pool Room	-	4.0 per lane, 2.0 per pool table
Skating Rink	-	0.1 per 1000 sq. ft. of skating surface
Theater, Assembly Room	-	1.0 per 4 permanent seats or 10.0 per 1000 sq. ft. public assembly area

Other Uses

The Board of Supervisors shall determine with which of the preceding categories of parking regulation any unlisted use shall comply or may designate a standard for a use that does not conform to the preceding categories.

1305. F Shared Parking

Up to fifty (50) percent of the parking spaces required for a theater or other place of primarily evening entertainment, for a church, for multi-family dwelling units or for a school may be provided and use jointly by banks, offices, certain retail stores, repair shops, service establishments and similar uses which are not normally open, used or operated during evening hours (beyond normal business hours of 8 a.m. to 5 p.m.) if specifically approved by the Board of Supervisors, provided, however, that written agreement

assuring the retention for such purpose shall be properly drawn and executed by the parties concerned and approved as to form and execution by the Township Solicitor. Such an agreement shall be filed and made part of the application for a building permit. Approval of such shared parking may be rescinded by the Board of Supervisors and additional parking obtained by the owners in the event that the Board of Supervisors determines that the joint use of parking facilities is resulting in a public nuisance or otherwise adversely affecting the public health, safety or welfare.

1305. G Parking Reserve Area

The number of parking spaces to be constructed may be up to twenty-five percent (25%) less than the number required herein only when the following conditions are met to the satisfaction of the Board of Supervisors:

- 1305. G.1 Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or spaces than required by Section 1305.E.
- 1305. G.2 The land development plan submitted by the applicant indicates that the location and layout of that portion of the required parking or loading area deemed unnecessary at the time of the application can and will be constructed on the site, according to the requirements of this Section 1305, during the first six (6) years following full development of the lot. If, at the end of the sixth (6th) year following the full development of the approved plan, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board of Supervisors for permission to develop or otherwise utilize the parking reserve area in accordance with the provisions of this Chapter, if the Board of Supervisors determines that this parking or loading is not necessary to the interest of the public health, safety or welfare..
- 1305. G.3 In no event shall that authorized portion of the required parking area that is not to be constructed, but reserved for possible future use, be counted as open space or other non-paved area required by other provisions of this

Chapter.

1305. G.4 The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.
1305. G.5 The parking reserve area shall be landscaped according to an approved plan under the provisions of Section 428 of the Township Subdivision and Land Development Ordinance.
1305. G.6 The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time.

1305. H Shopping Center Parking.

1305. H.1 Except as specified in Section 1305.H.2, below, a minimum of four and one-half (4½) parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area, or fraction thereof, within the proposed shopping center. In addition, a parking reserve area, consistent with the terms of Section 1305.G shall be designed and shown on the plan, so that, if developed, it would yield a ratio of five (5) parking spaces for each one thousand (1,000) square feet of gross floor area. If, at the end of the sixth (6th) year following full development of the shopping center, the parking reserve area or any part thereof has not been developed as an additional parking area, the applicant or the then present landowner may petition the Board of Supervisors for permission to develop or otherwise utilize the parking reserve area in accordance with the provisions of this Chapter.
1305. H.2 Office Use in a Shopping Center - A minimum of four (4) parking spaces shall be provided for each one thousand (1,000) square feet of gross floor area or fraction thereof devoted to office use. An initial reduction of up to twenty-five percent (25%) of this required parking area may be permitted by the Board of Supervisors, provided that sufficient land is reserved and properly identified as such to meet the requirements of this Section 1305, should the Board of Supervisors subsequently deem it necessary in

the interest of the public health, safety or welfare.

1305. I Special Exception or Conditional Use

For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the parking needs of the proposed use. The Zoning Hearing Board, in granting a special exception, or the Board of Supervisors in granting conditional use approval, may attach specific parking requirements that vary from the requirements of this Article where the Board of Supervisors makes a decision using the conditional use criteria set forth in Section 1402 or the Zoning Hearing Board uses the special exception criteria set forth in Section 1508.

Section 1306 OFF-STREET LOADING

Adequate space shall be provided to accommodate the loading and unloading of trucks, tractors and trailers servicing any commercial, industrial or large-scale residential or institutional use. Loading berth space that is utilized for the location of trash collection or compaction facilities shall be provided for and shall be in addition to the loading space requirements of this Section 1306.

1306. A Area of Loading Berths or Spaces

A required off-street loading berth or space shall be a minimum of fourteen (14) feet in width and sixty-five (65) feet in length, exclusive of aisle and maneuver area and shall have a vertical clearance of a minimum of sixteen (16) feet.

1306. B Access to Loading Area

Each required off-street loading berth or space shall be afforded appropriate means of vehicular access to a street, highway or alley in a manner that shall least interfere with traffic movement.

1306. C Loading Area Surfacing

All open off-street loading areas shall be constructed with a compacted select gravel base and surfaced with an all-weather dustless material, suitably designed for the intended use to a standard approved by the Township Engineer.

1306. D Loading Area Screening

All loading berths or spaces and truck circulation areas that abut a residential district or residential use shall be set back a minimum of forty (40) feet therefrom, unless completely screened by walls, solid fence, landscaping or a combination thereof, not less than six (6) feet in height. In no case shall loading berths or spaces and circulation areas be closer than fifteen (15) feet to a residential district or use.

1306. E Number of Loading Berths or Spaces

Buildings or uses with commercial, industrial or storage uses that exceed six thousand (6,000) square feet of gross area shall be provided with a minimum of one (1) off-street loading berth or space.

1306. F Location of Loading Berths or Spaces and Loading Circulation Areas

All required loading areas including loading spaces and loading circulation areas shall be located on the same lot as the use to be served and no portion of vehicles to be loaded or unloaded shall project into any traffic lane. Loading, unloading and their circulation areas shall not be located between the building setback line and the street line.

1306. G Repair and Service

No motor vehicle service work of any kind, nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading area.

1306. H Space Allowed.

Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

1306. I Special Exception or Conditional Use

For any use permitted by special exception or conditional use, it shall be the burden of the applicant to present evidence of the loading needs of the proposed use. The Zoning Hearing Board, in granting a special exception, or the Board of Supervisors in granting conditional use approval, may attach specific loading requirements that vary from the requirements of this Article where the Board of Supervisors makes a decision using the conditional use criteria set forth in Section 1402 or the Zoning Hearing Board uses the special exception criteria set forth in Section 1508.

Section 1307 TRAFFIC IMPACT STUDY REQUIREMENTS

The Board of Supervisors may require a traffic impact study for any proposed residential development in the Township which contains ten (10) or more proposed dwelling units or for any proposed non-residential development. The traffic impact study shall conform to the requirements of Section 306.3.D of the Subdivision and Land Development Ordinance.

Section 1308 SCREENING

1308. A Screens or buffer plantings are required under the following circumstances:
- 1308. A.1 Where any non-residential use, excluding agricultural uses and uses accessory to single-family residential uses, abuts any residential use, or abuts any land in any residential zoning district;
 - 1308. A.2 Where any mobile home park abuts any other residential use, or any land in any residential zoning district;
 - 1308. A.3 Where any multiple family use abuts any other residential use or any land in any residential zoning district
 - 1308. A.4 Where required by the Zoning Hearing Board or where stipulated as a condition of conditional use approval by Board of Supervisors.
 - 1308. A.5 Where otherwise required by this Chapter or Section 428 of the Township Subdivision and Land Development

Ordinance.

1308. B Required screens shall consist of opaque fences or walls, vegetative plantings, landscaped berms or any combination thereof, providing a year round visual screen, but in no case shall a screen interfere with motorists' visibility. Design of screens and selection of plant materials to be used shall be in accordance with the provisions of Section 1309, herein, and Section 428 of the Township Subdivision and Land Development Ordinance and shall be subject to review and approval by the Board of Supervisors.

Section 1309 LANDSCAPE DESIGN, INSTALLATION, AND
MAINTENANCE STANDARDS

1309. A All required landscaping and screening shall be installed and maintained in accordance with a landscape plan as required by Section 428 of the Subdivision and Land Development Ordinance. The landscape plan shall depict all proposed plantings required to compliment, screen or accentuate building, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features and/or structures. Plant sizes, spacing and types shall be in accordance with Section 428 of the Subdivision and Land Development Ordinance.
1309. B All required landscape plans shall be submitted at the time when all other required applications and/or plans are submitted (i.e., preliminary land development plan submission, conditional use approval application, etc.). Plans shall be based on and reflect the following objectives:
- 1309. B.1 A design that is responsive to the functional and aesthetic characteristics of the tract or lot, and existing and proposed principle and accessory buildings and other structures.
 - 1309. B.2 A design that respects/incorporates existing topography, landscape, and other natural features such as hedgerows and woodlands.
 - 1309. B.3 A design that demonstrates an effective proposal for screening the proposed use or activity from the adjoining properties.

- 1309. B.4 A design that creates visual interest for the users and/or residents of the proposed project, and enhances views.
- 1309. B.5 A design that promotes effective management of storm water to minimize soil erosion and sedimentation and creates opportunities for infiltration to the groundwater system.
- 1309. B.6 The use of plant material which is: acclimated to local conditions; located and spaced to achieve required screening, compatible groupings and other effective purposes; and not injurious of persons or pedestrians and vehicular circulation.

Plans accompanying conditional use applications may be conceptual in nature but shall demonstrate the ability to achieve the above objectives.

1309. C Applicability

Except for individual lots existing at the time of adoption of this section and occupied or intended to be occupied by single-family or two-family dwellings, the requirements of this section shall apply to the following situations:

1309. C.1 Screening

Any activities for which a landscape buffer or screening is required by this Chapter, or would be imposed by the Zoning Hearing Board as a special exception or by the Board of Supervisors for a conditional use approval.

1309. C.2 Perimeter Buffer

- 1309. C.2.a Except as provided in Section 1309.C.2.b, below, the entire perimeter of any tract undergoing development shall be provided with a minimum twenty (20) foot wide planting strip which will act as an effective screen separating uses. The planting strip may be included in private yard space or common open space or a combination thereof, and shall be designed and installed in compliance with

the requirements of this section.

1309. C.2.b The Board of Supervisors may reduce the perimeter buffer requirement where any tract abuts similar uses such that the Board of Supervisors determines that screening is not necessary or where the applicant can demonstrate to the satisfaction of the Board of Supervisors that existing vegetation, structural and/or topographic conditions will conceal, on a year-round basis, development from view from adjacent tracts.

1309. C.3 Any part or portion of a lot or tract which is not occupied by buildings nor used for loading and parking spaces and aisles, sidewalks and designated storage areas shall be left in its natural state or shall be landscaped according to an overall landscape plan, prepared and approved as part of the development plan. A replacement program for non-surviving plants shall be included.

1309. C.4 All mechanical equipment not enclosed in a structure shall be fully and completely screened from view from any point in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Township.

1309. C.5 Water towers, storage tanks, processing equipment, fans, HVAC, skylights, cooling towers, vents and any other structures or equipment which rise above the crest of the roof line shall be architecturally compatible or effectively shielded from view from any dedicated street by an architecturally sound method, such as a parapet wall not to exceed six (6) feet in height, which shall be approved, in writing, by the Township before construction or erection of said structures or equipment.

1309. C.6 Landscaping shall be required within any parking area subject to the provisions of Section 428 of the Subdivision and Land Development Ordinance.

1309. D Minimum Planting Standards

All required landscaping shall meet the minimum planting standards, criteria for selection of plant material, and design standards of Section 428.6 of the Subdivision and Land Development Ordinance.

1309. E Landscape Design Standards

1309. E.1 All required landscaping shall meet the minimum landscape design standards of Section 428.8 of the Subdivision and Land Development Ordinance.

1309. E.2 Street Trees

All required street trees shall meet the minimum shade tree and screen planting design standards of Section 420 of the Subdivision and Land Development Ordinance.

1309. E.3 Berms

Landscaped berms shall be provided to screen from public view outdoor storage areas, truck and heavy equipment parking areas, storage and loading areas, trash dumpsters, and other permitted activities conducted outside of residential, commercial, institutional and industrial buildings which are deemed by the Board of Supervisors to warrant screening with landscaped berms. Landscaped berms shall also be required at the option of the Board of Supervisors for non-residential subdivisions or land developments that adjoin any residential zoning district or residential use.

Where required to screen outdoor activities, berms shall be low-profile and appropriately landscaped to provide an effective visual barrier a minimum of eight (8) feet in height measured from the crown of the adjoining public street.

Where required to screen non-residential uses from residential uses, landscaping shall be provided on both sides of the berms and shall be subject to the review and approval of the Township.

Side slopes shall not exceed a three to one (3:1) ratio and

berms shall be designed to blend adjoining topographic and landscape conditions.

Section 1310 MINIMUM HABITABLE FLOOR AREAS

The minimum habitable floor area of all dwellings shall be eight hundred (800) square feet.

Section 1311 CONVERSION OF BUILDINGS OR DWELLINGS

1311. A Existing, conforming non-residential buildings may be converted to another use also permitted within the zoning district. However, such conversion shall not cause a mixture of residential and non-residential uses within the same building or structure in a residential zoning district. All other standard and requirements of this Chapter shall be applicable.
1311. B A single-family detached dwelling, existing prior to the effective date of this Chapter may be converted into and used as a two-family dwelling or multi-family dwelling when authorized as a special exception and provided that:
- 1311. B.1 The plans for the conversion of single-family detached dwellings, where two (2) or more families are to be housed above the ground floor, shall be submitted to the Zoning Hearing Board accompanied by a certificate of approval by the Pennsylvania Department of Labor and Industry.
 - 1311. B.2 Such plans shall provide adequate and suitable parking or storage space, at a safe distance from any street, for a minimum of two (2) vehicles per family, each parking space providing direct access to street without requiring the movement of one vehicle to afford access by the other vehicle.
 - 1311. B.3 Such dwelling shall be subject to the area, bulk and dimensional requirements of the zoning district within which the dwelling is located, except that there shall be a lot area

not less than the product of the minimum lot area required in the zoning district times the number of families to be housed in the converted dwelling.

1311. B.4 There shall be no external alterations of the dwelling except as may be necessary for reasons of safety and fire escapes. Outside stairways, where practicable, shall be located to the rear of the dwelling.

Section 1312 REGULATIONS GOVERNING COMMUNICATIONS
ANTENNAS AND COMMUNICATIONS EQUIPMENT
BUILDINGS

1312. A Any applicant proposing communications antennas to be mounted directly on a public utility transmission tower shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the tower, considering wind and other loads associated with the antenna location. This requirement may be waived if the communications antennas will be mounted on a new structure that is placed within and/or attached to an existing public utility transmission tower (for example, the use of a "Ft. Worth" pole attached to the interior or exterior of an existing public utility transmission tower).
1312. B Any applicant proposing communications antennas to be mounted on or attached to a public utility transmission tower or other structure or building shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Township Engineer for compliance with the Building Code and other applicable law.
1312. C Any applicant proposing communications antennas to be mounted on or attached to a public utility transmission tower or other structure or building shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted, so that installation and maintenance of the antennas and communications equipment building can be accomplished.
1312. D Communications systems and antennas shall comply with all applicable standards established by the Federal Communications

Commission governing human exposure to electromagnetic radiation.

- 1312. E Communications systems and antennas shall not cause radio frequency interference with other communications facilities.
- 1312. F A communications equipment building shall be subject to the height and setback requirements of the applicable zoning district.
- 1312. G The owner or operator of communications antennas shall be licensed by the Federal Communications Commission to operate such antennas.

Section 1313 SWIMMING POOLS

All swimming pools, whether above or below ground, shall be enclosed with a wall of a building or a fence or wall not less than four (4) feet in height except that where a swimming pool is four (4) or more feet in height above ground, such fence or wall shall not be required if all approaches to the steps leading to such raised pool are thoroughly barricaded in an approved manner by a fence or gate which shall be locked at all times when the pool is not in use.

Section 1314 SIGN REGULATIONS

1314. A Specific Intent

- 1314. A.1 It is the intent of this section to regulate all signs within the Township, to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety and general welfare.

1314. A.2 In addition, the intent of this section is to:

- 1314. A.2.a Enhance the appearance of the commercial districts, taking into account the nature of the use and thus stimulate as well as protect the economic viability of the Township.
- 1314. A.2.b Provide for signage which is adequate, but not

excessive, and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.

1314. A.2.c Prohibit the erection of signs in such numbers, sizes, designs and locations as may create a hazard to pedestrians and motorists.

1314. A.2.d Avoid excessive competition for large multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.

1314. A.2.e Allow for the coordination of signs to reflect the character of the architecture, landscape and neighborhood.

1314. A.2.f Prevent sign overload and excessively large signs which creates a visually chaotic and competitive situation within the community.

1314. B Conformance Required

Any sign hereafter erected or maintained after the effective date of this section shall conform to the provisions of this section, other provisions of this Chapter and any other ordinance or regulation of the Township relating thereto.

1314. C Definitions

As used in this section and in other provisions of this Chapter, the following terms, whether or not capitalized, underlined and/or in other form or appearance, shall have the meanings indicated unless otherwise expressly stated or where the context clearly indicates otherwise.

ACCESSORY USE SIGN - Signs which designate home occupations as permitted by Section 1315.

ANIMATED SIGN - A sign with action or motion, flashing and/or color changes requiring electrical energy, electronic manufactured sources of supply, but not including wind actuated elements such as flags, banners or specialty items.

ARTISAN SIGN - Temporary signs of workmen performing services at or alterations to a building.

AWNING SIGN - Any non-illuminated sign painted on or applied to a structure made of cloth, canvas, metal or similar material which is affixed to a building and projects therefrom. Such signs may or may not be fixed or equipped with a mechanism for raising and holding an awning in a retracted position against the building.

BANNER - A sign consisting of lightweight, flexible material which is supported by frame, rope, wires or other anchoring devices, which may or may not include copy, logo or graphic symbols.

BEACON LIGHT - Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure or other object.

BILLBOARD - A freestanding off-premises sign.

BULLETIN BOARD - A sign of permanent character, including a freestanding sign, but with movable letters, words, logo or numerals indicating the names of persons associated with or events, products or services offered upon the same premises on which the sign is located.

BUSINESS SIGN - A sign directing attention to a business, commodity service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

CHANGEABLE COPY - Copy containing or displaying letters, numbers or graphics which is designed to be readily changed, as for a theater marquee, gas station or similar use.

CIVIC EVENT SIGN - A sign, other than a commercial sign, posted to promote and advertise an activity sponsored by the Owen J. Roberts School District, the Township, church, public agency, civic or charitable association or other similar noncommercial organization.

DEVELOPMENT SIGN - A sign indicating that the premises are in the process of subdivision or land development for residential and/or nonresidential uses.

DIRECTIONAL SIGN - A sign, no larger than two (2) square feet, designating points of ingress and egress to a property, normally located at such points of ingress and egress.

DOUBLE-FACED SIGN - A freestanding sign with two (2) identical faces of equal sign area which are back-to-back and not more than two (2) feet apart. In computing the area of a double-faced sign, only one (1) side shall be considered provided that both faces are identical. In V-type structures, the interior angle of which exceeds forty-five (45) degrees, both sides shall be considered in computing the sign area.

ERECT - To build, construct, attach, hand, place, suspend or affix which shall also include the painting of wall signs or other graphics.

FACADE - The exterior surface of a building up to the roof line.

FESTOON SIGN - An electrically-lighted sign comprised of either:

- A. A group of incandescent light bulbs hung or strung overhead or on a building or other structure(s); or
- B. Light bulbs not shaded or hooded or otherwise screened to prevent direct rays of light from shining on adjacent properties or rights-of-way.

FLASHING SIGN - A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction or animation. Illuminated signs which indicate the date, time and temperature will not be considered flashing signs.

FREESTANDING SIGN - A sign and supporting structure which are secured in the ground and independent of any building, fence or other support. For the purpose of this definition, freestanding signs may consist of the following:

- A. Ground Sign - A sign designed to be viewed at eye

level or below within the immediate vicinity of a structure. Ground signs shall be constructed so that the maximum height from mean grade to the lowest area of the sign face does not exceed four (4) feet.

- B. Pole Sign - A sign which is detached from a building and supported by not more than two (2) poles or other structural supports.

FLAG - A piece of fabric or other material of distinctive design that is used as a symbol of a Nation, State, Township, agency or corporation and which is usually displayed hanging free from a staff or halyard.

GOVERNMENTAL SIGNS - Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs and signs of public service companies indicating danger or construction which are erected by, or at the order of, a public officer, employee or agent thereof in the discharge of his official duties.

IDENTIFICATION SIGN - A wall sign indicating the name or address of a building or the name of the management thereof.

ILLUMINATED SIGN - A non-flashing or non-twinkling sign which has letters, figures, designs or outlines illuminated by a lighting source as a part of the sign.

INSTRUCTIONAL SIGN - A sign located within the interior of a lot, not visible from the street or adjoining properties, which provides information as to the location, interior operation and/or use of buildings or facilities.

INTERIOR SIGNS - Any sign located fully within the interior of any building which is intended solely for information relating to the operation of such building.

LETTER HEIGHT - The height of a letter from its bottom to its top, including any shadow lines and other forms of outlining.

MARQUEE - A permanent, roof like structure, supported by a wall of a building, but having no relationship to the roof structure, generally designed and constructed for protection against

weather.

MARQUEE SIGN - Any sign attached to a marquee for the purpose of identifying a place of business or service.

MEAN GRADE - The mean elevation of the ground surface surrounding all four (4) sides of a pole or other structure containing a sign or the sign itself.

MEMORIAL SIGN - A memorial plaque or tablet, to include grave markers or other remembrances of persons or events, which are not for commercial or advertising purposes.

MOVEABLE SIGN - A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels or supported by legs.

NAMEPLATE SIGN - A wall sign which designates the name and address of an occupant or group of occupants within any one (1) building.

NONCONFORMING SIGN - Any sign which has a valid permit or nor permit and was erected prior to the effective date of this section or any subsequent amendment hereto and which does not otherwise conform to the provisions of this section.

OFF-PREMISES SIGN - A commercial sign, including billboard, which is not located on the premises or entity indicated or advertised by said sign or a commercial sign advertising a commodity, service or entertainment offered at a location other than the location of the sign.

POLITICAL SIGN - A temporary sign relating to the election of a person to a public office or a political party or a matter to be voted upon at an election by the general public.

PORTABLE SIGN - Any sign designed to be transported or moved including, but not limited to, signs designed to be transported by wheels, signs converted to A-frames or menu and sandwich boards.

PREMISES - Any lot, building, business establishment or combination thereof held under single lease or ownership.

PROJECTING SIGN - A sign which is attached directly to any building wall and which extends more than twelve (12) inches from the face of the wall.

REGULATORY SIGN - Any sign which is erected for any period of time to satisfy requirements or regulations promulgated by any Federal, State or local government agency.

REAL ESTATE SIGN - A temporary sign indicating the sale, rental or lease of the premises on which the sign is placed.

REVOLVING SIGN - A sign which revolves in a circular motion rather than remaining stationary on its supporting structure.

SIDEWALK SIGN - A temporary sign placed on the sidewalk or pavement adjacent to a business.

SIGN - Any writing, figure, representation, logo, emblem, flag, lighting, banner, device, letter, word or street clock and temperature announcement, which shall include any announcement, declaration, display, illustration, name, identification, description or insignia which is used to advertise, promote or announce the interest of any person or firm and is placed in the general view of the public.

SIGN AREA - The area of all lettering, wording and accompanying designs and symbols together with the background on which they are displayed, but excluding any supporting framework and bracing which are solely incidental to the display itself; provided, the same do not contain any lettering, wording, designs or symbols. For the purpose of this Chapter, sign area shall be computed as a square, a rectangle or a circle encompassing the outer limits of the sign face. Where the sign consists of a double face, only one (1) side shall be considered for the purpose of calculating total sign area. Where both sides are not identical, or where the interior angle formed by the faces of a sign is greater than forty-five (45) degrees, all faces shall be considered in calculating total sign area.

SIGN FACE - The part of a sign that is, or can be, used to identify, advertise and communicate information for visual representation which attracts the attention of the public for any purpose. This

definition shall include any background material, panel, trim and color used that differentiates the sign from the building or structure on which it is placed. The sign structure shall not be included, provided no message, display or symbol is designed and included as a part of the structure.

SIGN HEIGHT - The distance from the highest portion of the sign, including all structural elements, to mean grade.

SIGN STRUCTURE - A supporting structure erected and used for the purpose of identification or attracting attention, with or without a sign thereon, situated upon any premises where a sign may be located. This definition shall not include a building, fence, wall or earthen berm.

TEMPORARY SIGN - Any sign erected for a period of time not to exceed forty (40) days in any one (1) calendar year.

TIME AND TEMPERATURE SIGN - A display containing illuminated numerals flashing alternately to show the time and the temperature.

VEHICULAR SIGN - Any vehicle to which a sign is affixed in such a manner that the carrying of such sign, or signs, no longer is incidental to the primary purpose of the vehicle.

WALL SIGN - Any sign erected against the wall of a building or displayed on windows or doors or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than twelve (12) inches.

WINDOW SIGN - Any sign placed upon a window or inside the window and within twelve (12) inches of the surface of the window, facing the outside which is to be used for advertising purposes. Show window displays are not included within this definition.

1314. D Prohibited Signs

Except as may be hereinafter specifically permitted, it shall be unlawful after the effective date of this section, or any amendment thereto, for any person or other legal entity to erect any of the

following signs within the Township:

- 1314. D.1 Any sign by color, shape or location which conflicts with or resembles a traffic signal device.
- 1314. D.2 Signs attached to a utility pole, traffic signpost, traffic signal or control device, street sign, historical marker, tree or rock, but excluding “No Trespassing” signs, “No Hunting” signs, governmental direction signs, and temporary signs.
- 1314. D.3 Any off-premises sign, except as may be provided for within this Chapter.
- 1314. D.4 Portable signs.
- 1314. D.5 Any sign which advertises or publicizes an activity or business not conducted on the premises where the sign is located except civic event signs as defined in this section.
- 1314. D.6 Signs erected without the permission of the property owner or authorized agent.
- 1314. D.7 Signs on awnings except on the vertical face thereof as provided herein.
- 1314. D.8 Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
- 1314. D.9 Projecting signs except as may be provided for herein.
- 1314. D.10 Animated signs, except time and temperature signs, or seasonal decoration signs.
- 1314. D.11 Illuminated tubing or strings of lights, excluding temporary signs for traditional seasonal decorations.
- 1314. D.12 Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- 1314. D.13 Banners, pennants or balloons except as may be otherwise provided for herein.

- 1314. D.14 Vehicular signs.
- 1314. D.15 Sidewalk and sandwich signs.
- 1314. D.16 Abandoned or dilapidated signs as determined by the Zoning Officer.
- 1314. D.17 Internally illuminated signs except as may be provided for herein.
- 1314. D.18 Flashing signs, except time and temperature signs or seasonal decorations signs.
- 1314. D.19 Revolving signs.
- 1314. D.20 Festoon signs.
- 1314. D.21 Beacon lights.
- 1314. D.22 Roof signs.
- 1314. D.23 Any sign inconsistent with provisions of this Chapter.
- 1314. D.24 Any sign within a public right-of-way except for governmental signs.

1314. E Exempt Signs

The following signs shall be allowed without a sign permit and shall not be included in the determination of type, number or area of permanent signs allowed within a zoning district or for a property:

- 1314. E.1 Governmental signs as herein defined.
- 1314. E.2 Real estate signs, subject to height, area and number requirements as set forth in this section.
- 1314. E.3 Political signs, provided that no sign shall be displayed more than thirty (30) days prior to an election or for more than two (2) days following the election for which it is erected.
- 1314. E.4 Directional signs as herein defined. Signs may be

illuminated, but shall not blink, flash or be animated. Trade names and logos are permitted to the minimum extent necessary.

- 1314. E.5 Civic event signs and banners on public and private property, which clearly identify the date of the event, and which shall be removed within ten (10) days after the event and which shall not be erected more than thirty (30) days prior to the event.
- 1314. E. 6 “No Trespassing” or similar on-premises signs provided that no sign shall exceed one and one-half (1½) square feet in sign area or be placed at intervals of less than fifty (50) feet.
- 1314. E.7 Memorial signs as defined herein.
- 1314. E.8 Temporary signs to include the following:
 - 1314. E.8.a Artisan signs, provided that such signs shall not exceed twelve (12) square feet for each sign face and erected on the premises where the work is being performed. Signs shall be removed upon completion of active work as determined by the Zoning Officer and shall not exceed three (3) in number on any one (1) lot.
 - 1314. E.8.b Signs advertising garage or yard sales provided that no sign shall exceed nine (9) square feet in sign area. One (1) sign for each street frontage shall be permitted on the premises where the sale is to be conducted and two (2) off-premises signs of the same size shall be permitted for a period not to exceed two (2) consecutive days prior to the sale. Signs shall be removed at the close of the garage or yard sale but not later than seventy-two (72) hours after placing said signs.
 - 1314. E.8.c Advertising signs for special events, including banners or displays on private property within nonresidential zoning district constructed of cloth, light fabric or similar materials when approved by the Zoning Officer, for a period of not more than thirty

(30) cumulative days in any one (1) calendar year. Such signs, when added to the sign area of any other temporary signs on the premises, shall not accumulate in size to exceed the sign area permitted for permanent signs within the district where located or be in a position or of a color that presents a hazard to pedestrians or motorists.

- 1314. E.9 Regulatory sign as required.
- 1314. E.10 Address signs. All building in all zoning districts shall be required to display the correct address of the property in such fashion as is clearly visible from the street and which is in accord with the provisions of this section. The area of an address sign shall be exempt from the computation of the total permitted sign area provided that the sign does not contain any advertising, trade names or logos.
- 1314. E.11 Instructional signs not to exceed twenty (20) square feet in sign area or a height of six (6) feet above existing mean grade. Signs may be illuminated, but shall not blink, flash or be animated.
- 1314. E.12 Interior signs as defined herein.
- 1314. E.13 Logo and operating instructions for an automatic teller or money access center when located on the machine.
- 1314. E.14 Signs in residential districts, containing the name and/or address of the owner of the property, which do not exceed one (1) square foot in area.

1314. F Signs in Residential Zoning Districts

The following types of signs, and no others, shall be permitted within any Residential Zoning District, except as provided for otherwise within this section:

- 1314. F.1 Professional office accessory use signs provided that:
 - 1314. F.1.a Signs shall not exceed two (2) square feet in sign area.

- 1314. F.1.b Not more than one (1) sign shall be erected for each permitted use.
- 1314. F.2 Signage for schools, farms, churches, recreation areas and other permitted nonresidential uses provided that:
 - 1314. F.2.a Total sign area shall not exceed twenty-four (24) square feet and the sign height of any freestanding sign shall not exceed eight (8) feet above mean grade.
 - 1314. F.2.b Not more than one (1) sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one (1) street in which case one (1) sign may be located along each street frontage provided that a minimum street frontage of one hundred fifty (150) feet is maintained between signs.
- 1314. F.3 Permanent signage identifying residential development entrances provided that:
 - 1314. F.3.a The sign area shall not exceed fifteen (15) square feet and if freestanding, shall not exceed a sign height of eight (8) feet above mean grade.
 - 1314. F.3.b Not more than one (1) sign shall be placed on premises, unless such premises fronts on more than one (1) street in which case one (1) sign may be erected along each street frontage.
 - 1314. F.3.c In any multiple family development in which a rental office is located, one (1) wall sign not to exceed six (6) square feet in sign area shall be permitted. The sign shall be non-illuminated and shall indicate only the name of the development, the presence of a vacancy and the business hours, address and telephone number of the office.
- 1314. F.4 Real estate signs provided that:
 - 1314. F.4.a The sign area shall not exceed six (6) square feet for each exposed face and, if freestanding, shall not

exceed a sign height of four (4) feet from mean grade.

1314. F.4.b Not more than one (1) sign shall be placed on premises held in single and separate ownership, unless such premises front on more than one (1) street in which case one (1) sign may be erected along each street frontage.

1314. F.4.c A maximum of two (2) off-premises directional signs, not to exceed a sign area of six (6) square feet per sign designating an open house, shall be permitted. Signs shall contain only directional information and the name of the real estate agent or individual holding the open house. Signs shall be erected not more than three (3) days prior to the scheduled open house, shall be removed the day following the open house, shall not be located so as to obstruct pedestrian or vehicular traffic and shall not be attached to a utility pole, offsite building or tree or other natural feature.

1314. F.4.d Signs shall be non-illuminated.

1314. G Signs in Commercial Zoning Districts

The following types of signs shall be permitted within any Commercial Zoning District:

1314. G.1 Any sign permitted in Residential Zoning Districts which relates to a use permitted in the Commercial Zoning District.

1314. G.2 Real estate and development signs advertising the sale, rental or development of premises, provided that:

1314. G.2.a The sign area shall not exceed twelve (12) square feet and, if freestanding, shall not exceed a sign height of eight (8) feet above mean grade.

1314. G.2.b Not more than one (1) sign shall be erected for each five hundred (500) feet of street frontage.

1314. G.2.c Signs shall be non-illuminated. Real estate signs are exempt from permit requirements.

1314. G.2.d Off-premises signs advertising the sale, rental or development of premises shall be prohibited within Commercial Zoning Districts.

1314. G.3 Business or related signs in accordance with the following regulations:

1314. G.3.a Sign Area

The total sign area of all signs placed on a lot or facing any one (1) street frontage of any one (1) premises shall not exceed one (1) square foot for each lineal foot of building frontage for the first thirty (30) lineal feet of building frontage plus one (1) square foot for each two (2) additional lineal feet of building frontage. Where a building fronts on more than one (1) street, only one (1) street frontage may be used to calculate the total allowable sign area. Non-temporary window signs shall be included in the computation of total permitted sign area. The total area of all window signs shall be limited to twenty percent (20%) of the glass area.

1314. G.3.b Wall Signs

The total sign area of all wall signs placed on any one (1) premises shall not exceed one (1) square foot for each lineal foot of building frontage for the first thirty (30) lineal feet of building frontage plus one (1) square foot for each two (2) lineal feet of building frontage, up to a maximum sign area of fifty (50) square feet. No wall sign shall exceed a sign height of fifteen (15) feet above existing grade or project above any cornice, parapet wall, roof line or building facade. When a building has frontage on more than one (1) street, the sign area of all wall signs along each street shall be limited by the amount of building frontage along that street.

1314. G.3.c Awning Signs

Awning signs shall be permitted and shall be included in the computation of permitted sign area and shall be permitted to display only the business name, logo, street address, proprietor or property address. Letters, logo and numerals shall not exceed a height of eight (8) inches and shall be located only on the vertical face of the awning. The minimum clearance between the vertical face and any walkway shall not be less than seven (7) feet. No awning sign shall be permitted above the first floor of any building.

1314. G.3.d Marquee Signs

Theater or movie marquee signs containing changeable copy shall be permitted in addition to the otherwise permitted sign area for the use, provided that the total sign area shall not exceed two hundred (200) square feet. Such signs shall be required at all times to maintain a minimum vertical clearance of ten (10) feet. Signs containing changeable copy for other permitted uses shall be allowed but shall not exceed a sign area of twenty (20) square feet.

1314. G.3.e Freestanding Signs

For each commercial building, shopping center, office building, mixed use development or group of contiguous buildings under one (1) ownership or control, one (1) freestanding sign shall be permitted. Where the premises has more than one (1) street frontage, one (1) freestanding sign shall be permitted for each street frontage, provided that the sign is a ground sign and that a minimum street frontage of one hundred fifty (150) feet is maintained between signs.

(i) Area and Height Regulations.

(a) Pole Signs

Pole signs shall not exceed a sign area of twenty-five (25) square feet or a sign

height of fifteen (15) feet above mean grade.

(b) Ground Signs

Ground signs shall not exceed a sign area of thirty (30) square feet or a sign height of eight (8) feet above mean grade.

(ii) Sign Content

A freestanding sign shall contain only the name, address, logo, and/or telephone number of the permitted use.

(iii) Location

Freestanding signs shall not be located within the right-of-way and shall be setback a minimum distance of ten (10) feet from the street right-of-way. No sign shall be so located as to present a hazard to motorists or pedestrians.

1314. G.3.f Service Stations

Service stations shall be permitted signage subject to the following regulations:

(i) Wall Signs

One (1) wall sign not to exceed twenty-five (25) square feet in sign area shall be permitted for one (1) principal building or structure. Where a building fronts on more than one (1) street, one (1) wall sign may be erected along each street frontage. Additional wall signs identifying service provided on the premises shall be permitted provided such signs shall not exceed ten (10) square feet in sign area and are located directly above the area where the service is performed. In no

case shall a wall sign be higher than fifteen (15) feet above existing grade or project above any cornice, roof line, parapet wall or building facade.

(ii) Freestanding Signs

Service stations shall be permitted a maximum of one (1) freestanding ground sign for each location.

(a) Area and Height Regulations

Freestanding signs shall not exceed a sign height of fifteen (15) feet above mean grade or a sign area of thirty (30) square feet, except that where gasoline is offered for sale, an additional twenty (20) square feet of sign area shall be permitted for pricing information.

(b) Any other sign required by fire and safety regulations.

1314. G.3.g Automobile Dealership Signs

Automobile dealerships shall be permitted signage subject to the following regulations:

(i) Sign Area

The total permitted sign area shall be computed in accordance with Section 1314.G.3.g, paragraph 3, below.

(ii) Wall Signs

The total sign area of all wall signs placed on any one (1) premises shall not exceed a maximum sign area of sixty (60) square feet. Additional wall signs identifying automotive

service provided on the premises shall be permitted, provided that such signs shall not exceed ten (10) square feet in sign area and are located directly above the area where service is performed. In no case shall a wall sign exceed a sign height of fifteen (15) feet above existing grade, or project above any cornice, roof line or parapet. Where a dealership has frontage on more than one (1) street, the sign area of all wall signs along each street shall be limited by the amount of building frontage along that street.

(iii) Freestanding Signs

Automobile dealerships shall be permitted freestanding signs subject to the following regulations:

(a) Number and Type:

Primary Ground Sign

Each location shall be permitted one (1) freestanding ground sign for the purpose of identification. Signs shall not exceed an aggregate sign area of thirty (30) square feet or a sign height of ten (10) feet above mean grade. Where a dealership has more than one (1) street frontage, one (1) ground sign shall be permitted along each street for the purpose of identification.

Secondary Ground Sign

A secondary ground sign in addition to a primary ground sign permitted in Section 1314. G.3.g, paragraph a, primary ground sign, above, shall be permitted only if used or pre-owned automobiles are being offered for sale, or if there are two (2) or more

automobile makes being sold from the premises. Signs shall not exceed an aggregate sign area of thirty (30) square feet or a sign height of ten (10) feet above mean grade.

(b) Distance between Signs

A minimum street frontage of one hundred (100) feet shall be required between all ground signs.

(c) Location and Setback

Freestanding signs shall be located and set-back subject to the requirements of Section 1314.G.3.e, paragraph 3, above.

(d) Sign Content

Signs shall contain only the name of the permitted use, business logo, address, telephone number and identification of make of automobiles being sold.

(iv) Off-premises signs (except for billboards) shall be permitted when authorized as a special exception subject to the following provisions:

- (a) Signage shall not exceed fifteen (15) feet in height or twenty-five (25) square feet in sign area.
- (b) Not more than one (1) off-premises sign may be placed on an individual lot.
- (c) The total signage area for the lot, including the off-premises sign, shall not exceed the allowable area

permitted under this section.

1314. H Signs in Industrial Zoning Districts

1314. H.1 Signs permitted in the LI, Limited Industrial District may be any sign permitted in any other district, provided that the use to which the sign refers is permitted in the Limited Industrial District; and, further provided that outdoor advertising signs or billboards shall be permitted only when approved by the Zoning Hearing Board as a special exception at a maximum size of ten (10) feet in height by forty (40) feet in length, provided that such outdoor advertising signs or billboards shall not be closer to a public street than three hundred (300) feet.
1314. H.2 For any permitted commercial use, signs in an Industrial Zoning District shall be in accordance with Section 1314.G herein.
1314. H.3 For any other permitted use a sign, which displays the name of the owner of the premises and the activity conducted thereon or product produced thereon, on the same lot therewith, shall not exceed ten (10) feet in height and twenty (20) feet in length.

1314. I Signs in Any Zoning District

Notwithstanding any provision of this Section 1314 to the contrary, the following types of signs shall be permitted within any zoning district, in addition to such other signs as may be allowed in any zoning district by other provisions of this Section 1314:

1314. I.1 Temporary off-premises directional signs, for the sole purpose of directing vehicles and/or pedestrians to a property in the Township on which agricultural products are offered for sale, in accordance with and subject to all the following:
1314. I.1.a For purposes of this Section 1314.I.1, the following definitions shall apply:

AGRICULTURAL PRODUCTS - Includes only fruits, vegetables, and/or Christmas trees, (i) which are

grown or raised on the subject property, and (ii) which are grown or raised elsewhere and brought to the subject property for sale, provided that such products grown or raised elsewhere do not constitute more than forty percent (40%) of the total number of agricultural products being offered for sale on the subject property at any particular time.

SUBJECT PROPERTY - The property on which the agricultural products are offered for sale.

1314. I.1.b Not more than six (6) temporary off-premises directional signs, for each subject property, may be erected in the Township at any one time.
1314. I.1.c The location of each temporary off-premises directional sign must be approved by the Zoning Officer in advance of the issuance of the permit for each sign and the erection thereof. Notwithstanding the foregoing, in no event shall any such temporary sign be (i) attached to a utility pole, an off-site building, or a tree or other natural feature, (ii) located within any street line, or (iii) otherwise located so as to obstruct pedestrian or vehicular traffic.
1314. I.1.d Each temporary off-premises directional sign shall be only a ground sign as defined in Section 1314.C.
1314. I.1.e No temporary off-premises directional sign shall be animated or illuminated.
1314. I.1.f The message communicated by each temporary off-premises directional sign shall state no more than:
- (i) The name of the person or enterprise selling the agricultural products;
 - (ii) The address of the subject property;
 - (iii) A description of the agricultural product offered for sale consisting of no more than four (4) words, such as, for example, "Christmas Trees" and "Fresh Fruits and

Vegetables”; and

- (iv) The distance from the sign to the subject property, naming intervening street intersections with travel instructions from each named intersection to the subject property.

1314. I.1.g The message communicated by each temporary off-premises directional sign may contain descriptive words and/or pictorial representations but only as expressly provided by Section 1314.I.1.f.

1314. I.1.h A sign permit, upon application to the Zoning Officer, shall be required for, and prior to the erection of, each temporary off-premises directional sign.

- (i) A sign permit shall be required regardless of the area of the temporary off-premises directional sign, including but not limited to, any such sign with an area of two (2) square feet or less.
- (ii) In addition to compliance with all requirements applicable to each temporary off-premises directional sign provided in this Section 1314. I.1.h, and elsewhere in this Section 1314 and Chapter, no sign permit shall be issued until the following have been submitted: (i) a complete application for the sign permit fee; and (ii) where the applicant is not the owner of the property on which the sign is to be erected, the written consent of and signed by the owner of that property, indicating the agreement of the owner to the proposed erection and location of the sign on the property.
- (iii) No bond or insurance policy, as provided by Section 1314. L.2 shall be required for issuance of the sign permit.
- (iv) Each sign permit shall be valid for a period of

sixty (60) days after the date of issue, provided that permit may be renewed for two additional periods of thirty (30) days each but not further. Such renewal shall require submission to the Zoning Officer of a complete application for the renewal and the payment of the required renewal fee. Each sign permit shall expire, and become null and void, at the end of such sixty (60) day period or any renewal period thereof.

1314. I.1.i Each temporary off-premises directional sign shall be removed immediately upon expiration of the sign permit issued therefor. Any sign not so removed may be removed by the Township, at its discretion, and the applicant shall be liable for the cost of removal.

1314. J General Sign Regulations

The following restrictions and regulations shall be applicable to all permanent signs as permitted by this section, unless otherwise specified:

1314. J.1 Illumination

Where permitted, signs shall be illuminated only as authorized in an appropriate sign permit by a steady, stationary light of reasonably minimal intensity. Light sources shall be shielded from all adjacent properties and streets and shall not be of such intensity as to cause glare hazardous to pedestrians or motorists. Signs using internal illumination shall be designed so that, when illuminated at night, only the letters and logs of the sign are visible. No light shall emanate through the background, the borders, sides or any other surface of the sign or its supporting structure. Individual, solid letters with internal lighting tubes which back-light a wall in a "halo" effect shall be permitted.

1314. J.2 Electrical Connections

The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical

cables. Electrical supply to freestanding signs shall be provided by means of underground cables. All signs shall include an inspection certificate from an electrical underwriter.

1314. J.3 Nuisance

No sign shall create a public nuisance by emitting noise, smoke, sound, vapor, particle emission or odors.

1314. J.4 Sign Removal

Any sign which no longer advertises an existing business conducted on the premises shall be removed by the owner of the property within thirty (30) days of the cessation of business. The Zoning Officer, upon determining that such business operations have ceased while a sign remains, shall notify the owner of the premises, in writing, to remove said sign within thirty (30) days from the date of such notice. Upon failure to comply with such notice within the prescribed period, the Zoning Officer is hereby authorized to remove or cause removal of such sign and to collect the cost of such removal together with any penalties from the owner in a manner provided by law.

1314. K Nonconforming Signs

1314. K.1 A sign which is lawfully nonconforming on the effective date of adoption of this section may be continued although such sign does not conform to the provisions of this section but the size of any such nonconforming sign shall not be enlarged.

1314. K.2 A lawfully nonconforming sign shall not be changed to or replaced by another nonconforming sign. Nonconforming signs once removed shall be replaced only with conforming signs.

1314. K.3 No nonconforming sign which has been involuntarily damaged or otherwise destroyed to the extent of more than fifty percent (50%) of its value shall be repaired or rebuilt except as a conforming sign.

1314. K. 4 If a nonconforming use of a building or property ceases or is discontinued for a continuous period of one (1) year or more and such nonconforming use is deemed to be abandoned, any nonconforming sign on the premises shall also be considered abandoned and any subsequent signs erected or maintained on the premises shall be in conformity with the provisions of this section.
1314. K.5 Signs which are conforming at the effective date of this section and which identify and advertise nonconforming uses shall be maintained as conforming signs in accordance with the provisions of this section.
1314. K.6 Any nonconforming off-premises sign shall not be changed or its message changed nor shall such sign be replaced by another nonconforming sign. A nonconforming off-premises sign one removed may be replaced only with a conforming off-premises sign.

1314. L Permits

1314. L.1 Need for Permits

It shall be unlawful for any person, firm, or corporation to erect, alter or relocate any sign within the Township without first obtaining a sign permit unless such sign is specifically exempt from the permit requirements.

1314. L.2 Bond, Insurance Liability Policy and Owner's Consent

1314. L.2.a No sign permit shall be issued until a bond or liability insurance policy, as herein required, has been provided, and the owner's consent and signature have been filed.

1314. L.2.b Before any sign permit will be issued for any sign projecting over public property, a liability insurance policy or an indemnity bond in the amount of one thousand dollars (\$1,000.00) payable to the Township, in a form satisfactory to the Township Solicitor, shall be posted and maintained for the life of the sign.

1314. L.3 Permits

A sign permit shall be required for all signs exceeding two (2) square feet in area, unless specifically exempted herein, and such signs shall be subject to annual inspection, unless otherwise provided. In addition, all illuminated signs shall be in accordance with the National Electrical Code. Applications for sign permits shall be filed in duplicate and on forms furnished by the Township and shall be accompanied by detailed plans and specifications and such other information deemed necessary by the Zoning Officer to determine the location and details of construction of such sign.

1314. L.4 Permit Fees

No sign permit shall be issued until a sign permit fee has been paid.

1314. M Structural Requirements and Maintenance

1314. M.1 No sign or sign structure shall be erected unless it complies with all applicable requirements of the Building Code.

1314. M.2 All signs and sign structures shall be kept in good repair and in a presentable condition such that all sign information is clearly legible. Any sign found to show deterioration, including rust, faded colors, discoloration, holes and missing parts or information items shall constitute a violation of this section.

1314. M.3 Permits shall not be required for changeable copy, repainting, cleaning and other normal maintenance and repair of a conforming sign unless the sign structure, design, color or lighting is altered.

Section 1315 HOME OCCUPATIONS

Home occupations are permitted as an accessory use in any residential zoning district, subject to the following requirements:

1315. A Home Occupation

An occupation conducted within a room or rooms of a single-family detached dwelling which is clearly secondary and customarily incidental to the residential use. Such occupation shall be limited to attorneys, accountants, architects, engineers, physicians, dentists, teachers, artists, magistrates and musicians, telephone calling services, and barbershops and beauty parlors. A home occupation must meet the following restrictions:

- 1315. A.1 Such an occupation shall provide its service to one individual at a given time, except as to physicians, dentists and a residential day care home.
- 1315. A.2 Such an occupation shall be conducted only within the confines of the residence with no exterior storage or use permitted, except as to a residential day care home.
- 1315. A.3 Such an occupation shall be located only in a single-family dwelling. Only one (1) home occupation shall be permitted per residence.
- 1315. A.4 Such an occupation shall be restricted to hours of operation commencing at 7:00 a.m. and concluding at 9:00 p.m.
- 1315. A.5 Only one (1) nonresident employee shall be permitted for any home occupation.
- 1315. A.6 Retail sales of goods not produced on the premises are prohibited.
- 1315. A.7 The available floor space within the dwelling to be used for the home occupation shall be limited to twenty-five percent (25%) of the existing floor space, or 500 square feet, whichever is less.
- 1315. A.8 For physician's and dentist's offices, a maximum of ten (10) off-street parking spaces for vehicles, including two required off-street spaces for residential purposes is permitted. Otherwise, not more than six (6) total off-street parking spaces shall be provided.
- 1315. A.9 An approved home occupation once commenced is

prohibited from being changed to any other permitted home occupation without a new use and occupancy permit.

- 1315. A.10 Such occupation shall not create any adverse traffic parking, noise or esthetics impact upon the abutting properties or the neighborhood.
- 1315. A.11 A home occupation shall not require or cause any exterior alteration to the residence, structure or to the property except for permitted additional parking and a single permitted sign.
- 1315. A.12 The use of a dwelling for a home occupation shall adhere to the legal occupancy regulations for that dwelling as established by the Fire Marshall.
- 1315. A.13 Only those products or good produced on the premises shall be exchanged, transferred or sold to the customer on the premises, but nothing herein shall be construed to prohibit manufacturers' representatives, realtors or others from selling items which exist, or are delivered, elsewhere.
- 1315. A.14 The term "Home Occupation" shall neither be construed to include hospital, clinic, restaurant, automobile repair shop or the manufacture, handling or storage of explosives, the overnight parking of vehicles used in transporting garbage, asphalt, tar, gasoline or other fuel in bulk, nor shall the term include any activity which is or may be in comparable degree to any of the foregoing noxious or offensive by reason of odor, dust, smoke, gas, vibration, illumination or noise, or which is or may be dangerous to the public health, safety or welfare.

Section 1316 TIMBER HARVESTING REQUIREMENTS

Where required by this Chapter a timber harvesting plan, prepared in accordance with this section, shall be approved by the Township prior to any harvesting operations.

1316. A Timber Harvesting Plan

- 1316. A.1 The timber harvesting plan shall address all applicable erosion and sedimentation control and stream crossing

regulations as provided in Chapter 102, Erosion Control Rules and Regulations, issued under Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and Chapter 105, Dam and Waterway Management Rules and Regulations, issued under Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachments Act).

- 1316. A.2 The timber harvesting plan shall address, in specific detail, the following:
 - 1316. A.2.a Design of haul and skid road system and skid trails.
 - 1316. A.2.b Water control structures.
 - 1316. A.2.c Stream crossings.
 - 1316. A.2.d Log landings.
 - 1316. A.2.e Maintenance.
 - 1316. A.2.f Road and log landing retirement.
 - 1316. A.2.g Location of anticipated operation in relation to Township and State roads, including ingress and egress.
 - 1316. A.2.h Location of property boundaries of the tract on which the harvesting will take place and the boundaries of the proposed harvest area.
 - 1316. A.2.i Description of the harvesting method to be employed.
 - 1316. A.2.j Total existing basal area.
- 1316. A.3 The timber harvesting plan shall be available at all times at the harvesting site.
- 1316. A.4 The Zoning Officer shall be notified at least five (5) working days prior to the start of the harvesting and within five (5) prior to the completion of the harvesting.
- 1316. B The following requirements shall govern all timber harvesting operations:

- 1316. B.1 The boundaries of the area to be harvested shall be clearly marked by attaching posters to the boundary trees prior to the harvest to avoid inadvertent harvest off-site.
- 1316. B.2 Felling or skidding on or across any public road is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation whichever is responsible for the maintenance of such roads.
- 1316. B.3 No tops or slash shall be left within seventy-five (75) feet of a public road or adjacent property boundary.
- 1316. B.4 A harvesting setback of seventy-five (75) feet shall be established along any public road or adjacent property boundary, and harvesting shall be limited to one third (1/3) of the basal area of the harvest in a ten (10) year period.
- 1316. B.5 Litter resulting from a timber harvesting operation shall be completely removed from the site before vacated by the operator.
- 1316. B.4 All haul roads, skid roads, skid trails and log landings shall be retired properly including seeding of herbaceous species as recommended by the Chester County Conservation District or the Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry.

Section 1317 PUBLIC UTILITIES

1317. A Applicability

This Chapter shall not apply to any existing or proposed building, or extension thereof, or to any land, used or to be used by a public utility corporation, if, upon petition of the corporation, the Public Utility Commission shall, after public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public.

1317. B Lot Area and Coverage

Minimum lot area and maximum coverage regulations of this Chapter shall not apply to electric substation, pumping stations and other facilities of a public utility, provided, however, that all required yard and maximum height regulations shall apply.

Section 1318 LOTS OF RECORD

In the event any lot is held of public record in single and separate ownership on the effective date of this Chapter which shall not be of sufficient size or dimension to permit the erection of a building thereon in accordance with the requirements of this Chapter, and provided the Zoning Hearing Board shall find that the necessary additional ground is not available because of the settled condition of the neighborhood, or because of inability of the owner to acquire additional ground upon fair terms, the Zoning Hearing Board may grant a variance for the use of such lot upon such condition as the Zoning Hearing Board may specify so that the minimum and maximum regulations of the district shall be met as closely as possible.

Section 1319 CLEAR SIGHT TRIANGLE/OBSTRUCTIONS TO VISION

On any corner lot, no wall, fence or other structure shall be erected or altered which obstructs the view; and, no hedge, tree, shrub or other growth shall be planted which may then or ultimately obstruct the view. A clear sight triangle shall be provided at each intersection as measured from points seventy-five (75) feet distant from the centerlines of intersecting streets.

Section 1320 ACCESSORY USES AND ACCESSORY BUILDINGS

Accessory uses authorized in this Chapter shall include, but not by way of limitation, the following:

1320. A Uses Accessory to Agriculture:

Greenhouses; roadside stands for sale of products produced on the premises; barns; keeping, breeding and management of livestock and poultry; and preparation of products produced on the premises for use and the disposal thereof by marketing or otherwise; but no barn, poultry house or similar structure shall be erected nearer to any lot line than one hundred (100) feet.

1320. B Uses Accessory to Dwellings:

1320. B.1 Shelter for pets, private stable (refer to Section 1326, herein) and chicken house (having an area of no more than one hundred seventy-five (175) square feet); except that no such stable or chicken house shall be erected other than to the rear of such dwelling and at a distance of not less one hundred (100) feet from the rear and side property lines thereof and from any dwelling thereon. No fowl or animal shall be maintained without a suitable building therefor.
1320. B.2 Private greenhouse not to be located in the required front yard, but can be located in the side or rear yard, not closer than ten (10) feet from any property line.
1320. B.3 Private garage, unattached to a dwelling, not to be located in the required front yard, but can be located in the side or rear yard, not closer than ten (10) feet from any property line.
1320. B.4 Private swimming pool located only behind the rear wall of the principal building not closer than fifteen (15) feet from any property line.
1320. B.5 Except as and to the extent permitted under and by Section 1315 of this Article (providing for home occupations as accessory uses in any residential zoning district), uses authorized in this Chapter as accessory to a dwelling shall not be deemed to include a business, hospital, clinic, animal hospital, barber shop, beauty parlor, other personal service shops, tea room, hotel, or any similar use.
1320. B.6 Antenna connected to or servicing radio equipment operated by a resident of the dwelling who is the holder of a valid and current amateur radio license duly issued by the Federal Communications Commission. The antenna shall be subject to and comply with the provisions of Section 1321 of this Article.
1320. B.7 The renting of rooms, including, including a kitchen and bathroom, within the dwelling in which the lessor resides, or in a building accessory thereto, to not more than two (2) persons, with or without the provisions of table board for

such persons.

1320. B.8 Satellite television antenna subject to and complying with the provisions of Section 1321 of this Article.

1320. C Uses Accessory to Public Park:

Customary recreational, refreshment, and service uses and buildings in any public park, reservation, playground or other recreational area.

1320. D Tool Sheds, Leans-To, Storage Buildings Accessory to All Residential Dwellings

Any tool shed, lean-to or storage building for lawn maintenance or household storage, and not exceeding four hundred (400) square feet in area, and which is clearly accessory to a residential dwelling unit, shall be located to the rear of the principal structure and at least ten (10) feet from any property line and not within any required side yard.

1320. E Uses Accessory to Commercial Activities

Any commercial activity involving the sale of equipment or materials may, while open for business, have an outdoor display area comprising not more than twenty-five percent (25%) of the indoor area; and outdoor storage of goods for sale shall be located to the rear of the principal building or structure but not within the rear or side yards of the lot.

1320. F Uses Accessory to Industrial Activities

Security quarters, incinerator when authorized as a special exception, lunch room facilities for exclusive use of employees, indoor warehousing, and outdoor storage when screened from view from all points off the premises.

Section 1321 ANTENNAS ACCESSORY TO DWELLINGS - GENERAL REGULATIONS

Any antenna permitted by this Chapter as an accessory use to a dwelling

(including, without limitation, an antenna connected to or servicing radio equipment operated by a resident of the dwelling who is the holder of an amateur radio license, or a satellite television antenna) shall be subject to and comply with the following:

- 1321. A The antenna may be (i) attached to a dwelling or a permitted accessory building to the dwelling, or (ii) freestanding but only on the same lot as the dwelling.
- 1321. B Whether the antenna is attached to the dwelling or a permitted accessory building, or is freestanding:
 - 1321. B.1 No portion of the antenna may be erected within or extend into the front yard of the dwelling, notwithstanding that the front yard may be greater than the required minimum front yard for the dwelling.
 - 1321. B.2 The antenna may be erected within or extend into the required minimum side yard or rear yard for the dwelling; provided, that no portion of the antenna shall be closer than ten (10) feet to the nearest lot line.
- 1321. C Notwithstanding other provisions of this Chapter to the contrary:
 - 1321. C.1 The total height of the antenna, as determined in Section 1321. C.2, below, shall not exceed the shortest distance between the antenna and the nearest lot line.
 - 1321. C.2 For purposes of this subsection (3), the total height of the antenna shall be the vertical linear distance measured to the highest point on the antenna from:
 - 1321. C.2.a The lowest point on the antenna, in the case the antenna is attached to the dwelling or a permitted accessory building; or
 - 1321. C.2.b The lowest point on the antenna which touches the surface of the ground, in the case the antenna is freestanding.
- 1321. D The antenna shall be of noncombustible and corrosive resistant material.

1321. E The antenna shall be erected, installed and maintained at all times in accordance with the specifications of its manufacturer, including, but not limited to, base, construction, anchoring and guying requirements, load limitations (including, without limitation, wind, ice and snow load limitations), and lightning protection. The antenna shall also be erected, installed and maintained at all times in accordance with applicable provisions of the Building Code. In the event of any inconsistency between the manufacturer's specifications and the applicable provisions of the Building Code, the provisions of the Building Code shall supersede and control.
1321. F The antenna shall, at all times, be used, operated and maintained in compliance with all applicable regulations of the Federal Communications Commission, the physical performance requirements of Section 1331 of this Chapter (including, but not limited to, Section 1331.B concerning radioactivity and electrical disturbances and other law.
1321. G The antenna shall, at all times, be used, operated and maintained only for the private lawful reception and/or transmission, as the case may be, of signals or waves on conventional equipment in or on the dwelling or a permitted accessory building to the dwelling, or on the lot on which the dwelling is located. Without limiting the generality of the foregoing, a satellite television antenna shall be used only for the lawful reception of satellite-delivered signals to be viewed privately on conventional television sets in or on the dwelling or a permitted accessory building to the dwelling, or on the lot on which the dwelling is located.
1321. H Not more than one (1) antenna, the erection of which requires the issuance of a building permit under the Building Code, shall be erected, installed or maintained outside on a lot (whether attached to the dwelling or a permitted accessory building to the dwelling, or freestanding); provided, that two (2) antennae, the erection of each of which requires the issuance of such building permit, may be located outside on the same lot if one, and only one, of such antennae is a satellite television antenna.

Section 1322 INTERIOR LOTS

1322. A Existing Interior Lots of Record

An existing lot of record for which access to a public road is by a relatively narrow strip of land may be built upon only when authorized by a special exception. In computing the area of such lots, the area of the strip of ground connecting the lot with the public road shall not be considered. All buildings and other structures to be located on such lots shall be not closer than seventy-five (75) feet from surrounding lot lines, and the strip of ground connecting the lot with the public road shall have a minimum width of thirty two (32) feet, and shall be used as an access strip to only the particular lot in question. The Zoning Hearing Board shall consider the suitability of the strip of ground which connects the lot with the public road for use as an access driveway, and shall assure that any such access driveway is hard surfaced.

1322. B Creation of Interior Lots

The creation of interior lots is prohibited.

Section 1323 PROJECTIONS INTO REQUIRED YARDS

No structure and no part of a structure shall be erected within or shall project into any minimum required yard in any district, except that:

1323. A An enclosed porch, not more than fourteen (14) feet in height, may be erected to extend into a required front or rear yard a distance of not more than ten (10) feet, provided that in no case shall it extend into such front or rear yard more than one-half (1/2) the existing depth of the yard.

1323. B A terrace, platform or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than twelve (12) feet provided that it shall not extend into such yard more than forty (40) percent of the existing depth or width of the yard.

1323. C A porte-cochere, or car port, may be erected over a driveway in a required side yard, provided that such structure is:

1323. C.1 Not more than fourteen (14) feet in height and twenty (20)

feet in length;

- 1323. C.2 Entirely open on at least three (3) sides, exclusive of the necessary supporting columns and the customary architectural features; and
- 1323. C.3 Does not extend closer to the side lot line than a distance equal to one-third (1/3) of the existing width of the side yard.
- 1323. D A buttress, chimney, cornice, pier, or pilaster of a building may project not more than eighteen (18) inches into a required yard.
- 1323. E Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three (3) feet into a required yard.

Section 1324 FIRE SUPPRESSION DEVICES

Any multi-family structure, commercial structure or permitted industrial structure shall be subject to the requirement for the provision of fire suppression devices in accordance with the Building Code. Water storage devices may also be required to meet specified fire flow requirements.

Section 1325 HEIGHT LIMITATION OF FENCES AND WALLS

No fence or wall, excepting a retaining wall, or a wall of a building permitted under the terms of this Chapter, over six (6) feet in height, shall be erected within any of the required yards, unless that portion of the fence or wall which exceeds six (6) feet in height has a ratio of open space to solid area of at least four-to-one (4:1)

Section 1326 KEEPING OF DOMESTIC ANIMALS

The keeping, raising or boarding of four-hoofed animals, including horses, for domestic purposes including a stable (See Section 1320.B.1) for same shall require a minimum lot area of not less than three (3) acres regardless of the zoning district in which said property is located. The above requirements shall be applicable for one (1) such animal and for each additional such animal kept on the lot, parcel or premises, one (1) additional acre of lot area shall be

required. The above requirement shall be enforced regardless of whether the animals are kept for domestic purposes or for the temporary boarding of animals for other parties.

Section 1327 STREAM BANK RESTRICTION

No part of an on-site sewage disposal system, which is otherwise permitted by other provisions of this Chapter or other law, shall be located nearer to the bank of any perennial stream than one hundred (100) feet, or such other distance as may be provided by the floodplain district regulations of this Chapter, whichever distance is greater.

Section 1328 CONSERVATION PLAN

No building permit shall be issued for any type of construction until a conservation plan has been approved in accordance with Section 306.1 of the Subdivision and Land Development Ordinance.

Section 1329 MUNICIPAL LANDFILL

A municipal landfill owned and operated by the Township or owned and operated by an authority created by the Board of Supervisors is permitted as a use by right in the LI, Limited Industrial District. All other landfills, dumps, refuse disposal areas, refuse transfer stations and the like are prohibited in all of the Zoning Districts of the Township.

If a landfill is erected within the Township in accordance with the above ownership requirements, all required approvals and permits shall first be obtained from the Pennsylvania Department of Environmental Protection in accordance with Title 25, Chapter 75 of the Pennsylvania Code, Solid Waste Regulations, adopted August 2, 1971, as amended.

Section 1330 SINGLE PRINCIPAL USE

Except as otherwise provided by this Chapter the use of any lot shall be limited to a single principal use, with accessory uses as permitted herein.

Section 1331 PHYSICAL PERFORMANCE REQUIREMENTS

No land, building, structure or premises in any zoning district, or any mobile home park shall be used, altered, or occupied in a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust odor, or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; conditions conducive to the breeding of rodents or insects, or other substance, condition, or element, in any manner or amount as to adversely affect the surrounding area. The following shall be applicable to all zoning districts:

1331. A Fire and Explosive Hazards

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazards of fire and explosion, and adequate firefighting and fire-suppression equipment and devices as detailed and specified by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code, the Fire Prevention Code, and all other applicable ordinances if and when adopted by the Township. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Protection, for storage, handling and use of explosives.

1331. B Radioactivity or Electrical Disturbances

There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of the disturbance. If any use is proposed which incorporates the use of radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 221, 223, 225, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Protection, Rules and Regulations.

1331. C Smoke, Ash, Dust, Fumes, Vapors and Gases

There shall be no emission of smoke, ash, dust, fumes, vapors or

gases which violate the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 123 (Standards for Contaminants) and Chapter 131 (Ambient Air Quality Standards), Article III, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

1331. D Liquid and Solid Wastes

There shall be no storage of or discharge at any point into any public or private sewer system, or watercourse or into the ground, of any materials in such a way or of such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of the Commonwealth of Pennsylvania, and specifically Chapters 73, 75, 95, and 97, Title 25, Pennsylvania Department of Environmental Protection, Rules and Regulations.

1331. E Glare

No direct or sky-reflected glare whether from spotlights, floodlights, searchlights or other sources shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

1331. F Odor

No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty percent response level of Table I, Odor Thresholds in Air, "Research on Chemical Odors: Part I, Odor Thresholds for 53 Commercial Chemicals", October 1968, Manufacturing Chemists Association, Inc., Washington, DC.

1331. G Noise

The sound level of any operation (other than the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures, emergency alarm signals or time signals) shall not exceed the decibel levels in the designated octave bands as stated below. The sound-pressure level shall be measured from a sound level meter and an octave bank analyzer that conform to specifications published by

the American Standards Association. American National Standard Specification for Sound Level Meters, S 1.4-1971, American National Standards Institute, Inc., New York, New York, and the American Standard Specification for an Octave, Half Octave, and Third Octave Bank Filter Sets, S 1.11-1966 or 1971, American Standards Association, Inc., New York, New York shall be used. Sound-pressure levels shall be measured at the property line upon which the emission occurs. The maximum permissible sound-pressure levels for smooth and continuous noise shall be as follows:

Frequency Band (Cycles per Second)	Maximum Permitted Sound-Pressure Level (Decibels)
0- 150	67
150- 300	59
300- 600	52
600-1200	46
1200-240	40
2400-480	34
above 4800	32

If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections below shall be added to or subtracted from each of the decibel levels given above.

Type of Operation or Character of Noise	Corrections in Decibels
Noise occurs between the hours of 10 P.M. and 7 A.M.	-3
Noise occurs less than five percent (5%) of any one-hour period	+5
Noise is of periodic character (hum, scream, etc.), or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse, and impulse peaks shall not exceed the basic	

standards given above.)

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Section 1332 STORAGE OF VEHICLES AND JUNK

The exterior storage of automotive vehicles and trucks is prohibited in all residential zoning districts provided, however, that not more than one (1) temporarily immobilized automotive vehicle may be stored on any residential property at any time and, provided further that if the storage of such temporarily immobilized vehicle exceeds a period of nine (9) months, after thirty (30) days written notice from the Zoning Officer, such vehicle shall be removed from the residential premises. Junk yards or the exterior storage of such materials which comprise a junk yard shall be prohibited in all zoning districts within the Township.

Section 1333 ADDITIONAL DESIGN STANDARDS FOR THE R-3, RESIDENTIAL DISTRICT

In addition to the area and development regulations established in Article VIII, herein, the following additional requirements shall apply, for the specific type of dwelling unit, when applicable.

1333. A The minimum space required between any type of two-family or townhouse building faces (end-to-end, back-to-back, end-to-back or any combination thereof) shall not be less than forty (40) feet and the required minimum space between any building faces of abutting multifamily structures shall not be less than sixty (60) feet, except that in an adult community, any building-to-building setback shall be a minimum of thirty (30) feet for all building types.
1333. B The maximum length of any exterior wall of any single structure, or connected structures, containing townhouse dwelling units or multifamily dwelling units, including garden apartments, shall not exceed one hundred forty-four (144) feet. The aggregate length of the two (2) longest exterior walls of a garden apartment structure shall not exceed two hundred eighty-eight (288) feet and the building length shall be measured without deduction for any articulation of the exterior wall.

1333. C The minimum distance between any permitted multi-family dwelling, two-family dwelling or townhouse dwelling and a single-family residence located in the R-3, Residential District shall be one hundred twenty-five (125) feet.
1333. D The maximum building height for any permitted residential structure within the R-3 District shall be thirty-five (35) feet.
1333. E Any proposed development with a single or mixture of permitted dwelling types shall be substantially in accordance with the Comprehensive Plan and shall consider the surrounding land features of the area including but not limited to residences, schools, parks, open space, width and grade of streets and location and arrangement of parking spaces, local and regional business areas and shopping centers, densities proposed for surrounding areas, and other such features as shall contribute to the harmonious development of the area, with due regard to the character of the neighborhood and its peculiar suitability for mixed dwelling unit types of use.

The proposed development shall be constructed in accordance with an overall land development plan and shall be designed as a unified architectural unit with required landscaping.

1333. E.1 If the development of any form of permitted multi-family, two-family or townhouse residential units is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this Chapter shall be fully complied with at the completion of any stage.
1333. E.2 The developer shall assure the provision of the required paving, curbing, sidewalks, screening, planting and other improvements by means of a proper performance guarantee in the form of a bond or the deposit of funds or securities in escrow to cover the cost of improvements. The work shall be performed in accordance with all requirements and approved plans. No building or unit shall be used or occupied until the Township Engineer issues a certificate in writing that the paving, curbing, sidewalks, screening, fencing, planting and other improvements have been completed in accordance with the land development plan approved by the Board of Supervisors.

1333. F In addition to the requirements for a land development plan as required by the Subdivision and Land Development Ordinance, any plan proposing a single or mixture of dwelling types in the R-3, Residential District shall include, but not be limited to, the following:
- 1333. F.1 The location and size of the area involved;
 - 1333. F.2 The proposed use areas and the residential density;
 - 1333. F.3 The location, function, size, ownership and manner of maintenance of the open space;
 - 1333. F.4 The use, and the height, bulk and location of buildings and other structures;
 - 1333. F.5 Information showing the feasibility of proposals for sanitary sewage disposal and stormwater management;
 - 1333. F.6 Utility systems;
 - 1333. F.7 The substance of covenants, grants of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities;
 - 1333. F.8 The provision for parking of vehicles and location, rights-of-way and cartway widths of proposed streets and public ways;
 - 1333. F.9 In the case of plans which call for development over a period in excess of two years, a schedule showing the time within which applications for final approval of all parts of the multi-family residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval.
 - 1333. F.10 Floor area (in square feet) of dwelling units.
 - 1333. F.11 Number of bedrooms per dwelling unit.
 - 1333. F.12 Total number of dwelling units.

1333. F.13 Total number of acres in proposed plan.

1333. F.14 Total number of all off-street parking spaces.

1333. F.15 Exterior vertical and horizontal building dimensions.

1333. F.16 Ground area of buildings.

1333. F.17 Overall site density.

1333. G Service

Areas for loading and unloading of delivery trucks and other vehicles for the servicing of refuse collection, fuel and other service shall be provided and shall be adequate in size, and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.

1333. H Access

Provision shall be made for safe and efficient ingress and egress to and from public streets without undue congestion to or interference with normal traffic flow. The Planning Commission shall review and provide a written recommendation to the Board of Supervisors as to the adequacy of the thoroughfare to carry the additional traffic generated by the development as well as to the street frontage of the proposed district.

1333. I Utilities

All buildings other than single-family units within the R-3, Residential District shall be served by a public sanitary sewage disposal system and public water supply. All utility lines servicing the district shall be placed underground.

1333. J Signs

Signs shall be permitted only pursuant to the provisions of Section 1314 of this Chapter.

1333. K Outdoor Lighting

Outdoor lighting shall be provided and shall be in accordance with the provisions of Section 427 of the Subdivision and Land Development Ordinance.

1333. L Landscaping, Screening and Buffering

1333. L.1 A buffer area of at least twenty (20) feet in width shall be provided along street frontage occupied by multifamily or townhouse residential dwellings. There shall also be provided a buffer area, containing an effective screen, of at least ten (10) feet in width along all adjoining property lines. Such buffer areas and effective screen shall conform to the buffering standards contained in the Section 428 of the Subdivision and Land Development Ordinance.

1333. L.2 For any development constructed pursuant to this Chapter, there shall be provided a landscaped buffer area of at least ten (10) feet in width providing effective screening of residential, commercial and industrial uses which are adjoining and contiguous to the site. Such landscaped buffer area shall be in accordance with the provisions of Section 428 of the Subdivision and Land Development Ordinance.

1333. M Park, Recreation and Open Space

For any development constructed pursuant to this Chapter, there shall be provided park, recreation and open space areas and improvements in accordance with the provisions of Section 426 of the Subdivision and Land Development Ordinance.

Section 1334 CERTAIN NONCONFORMITIES RESULTING FROM THE
TAKING OF A PORTION OF A LOT FOR PUBLIC ROAD
PURPOSES

Whenever an existing lot and/or an existing building or other structure on an existing lot becomes nonconforming, or more nonconforming, with respect to one or more applicable areas and/or dimensional requirements, as a result of the taking of a portion of the lot for public road purposes, the following shall apply:

1334. A The lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking, provided that the nonconformity, with respect to each applicable area and dimensional requirement, resulting from the taking, is not more than fifty percent (50%) of the applicable requirement, or does not increase an existing nonconformity of the same applicable area and dimensional requirement beyond fifty percent (50%) of that requirement.
1334. B Where the nonconformity, with respect to each applicable area and dimensional requirement, resulting from the taking, is more than fifty percent (50%) of the applicable requirement, or increases an existing nonconformity of the same applicable area and dimensional requirement beyond fifty percent (50%) of that requirement, the lawful use of the lot and/or lawful use, location, and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking only when authorized as a conditional use.
1334. C The conditional use under Section 1334.B shall be allowed or denied by the Board of Supervisors pursuant to the standards and other provisions set forth in Section 1405 of this Chapter.
1334. D Each lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking and permitted to remain and continue as provided by Section 1334.A or by conditional use as provided by Section 1334.B, shall be considered (to the extent the nonconformity of such use, location and/or size with respect to an applicable area and/or dimensional requirement results from or is increased by the taking) a nonconforming, or more nonconforming, use, building or structure, as of the effective date of the taking, for purposes of Article XIX and other provisions of this Chapter including, but not limited to, Sections 1900.B, 1900.C, 1900.D, 1900.E, 1901.B, 1901.C, 1901.D, 1901.E, 1901.F, 1905, and 1907. Where a lawful use of the lot and/or the lawful use, location and/or size of the building or other structure on the lot is permitted to remain and continue by conditional use under Section 1334.B, the provisions of this Section 1334.D shall

be subject to the decision of the Board of Supervisors granting the conditional use, including any conditions attached to the grant.

1334. E In the case the lot is undeveloped and the lawful lot area and/or lot width of the lot becomes nonconforming, or more nonconforming, as a result of the taking, the lot shall be considered a nonconforming, or more nonconforming, undeveloped lot with respect to lot area and/or lot width as of the effective date of the taking for purposes of Article XIX and other provisions of this Chapter including, but not limited to, Sections 1905 and 1906.
1334. F The taking shall not extinguish any lawful nonconformity of the lot and/or the building or other structure on the lot, which nonconformity exists on and immediately prior to the effective date of the taking, to the extent that such nonconformity does not result from the taking.
1334. G For purposes of this Section 1334, the following definitions shall apply:

APPLICABLE AREA AND/OR DIMENSIONAL REQUIREMENTS - The requirements of this Chapter, providing for minimum lot area, minimum lot width, maximum building coverage, maximum impervious coverage, and/or minimum front, side and/or rear yards, applicable to a lot and/or to the location and/or size of a building or other structure on a lot.

EFFECTIVE DATE OF THE TAKING - Where the taking is by condemnation by the exercise of the right of eminent domain, the date on which the Township files a declaration of taking; or where the taking is by deed, the date on which the Township accepts the deed.

LAWFUL - When modifying the use of a lot, the use, location and/or size of a building or other structure on a lot, or the lot area or lot width of a lot, shall mean a use, location, size, lot area or lot width that, on and immediately prior to the effective date of the taking, (i) complies with applicable provisions of this Chapter, or (ii) to the extent not complying, is lawfully nonconforming.

PUBLIC ROAD PURPOSES - Such purposes shall include, but shall not be limited to, providing additional width or length to an

existing public road, relocating an existing public road, or relocating a proposed new road in a subdivision or land development in order to align, or better align, the new road with an extensive public road.

TAKING - A taking shall include: (i) condemnation by the Township, for public road purposes, of a portion of a lot by the exercise of the right of eminent domain; (ii) acceptance by the Township of a deed, in lieu of condemnation, conveying to the Township a portion of a lot for public road purposes; or (iii) acceptance by the Township of a deed, conveying to the Township a portion of a lot for public road purposes as required or requested by the Township in and by a specific resolution therefor duly adopted by the Board of Supervisors.

1334. H The provisions of this Section 1334 including, but not limited to, Section 1334.F, shall not apply in any case where monetary compensation is paid or payable by the Township to the owner of a lot and/or other party in interest for the taking of a portion of the lot for public road purposes.

ARTICLE XIV

CONDITIONAL USE PROCESS

Section 1400 REQUIREMENTS AND PROCEDURES

1400. A Nothing in this section shall be construed to relieve the owner or his agent, the developer, or the applicant for a conditional use approval from obtaining approval in accordance with the Subdivision and Land Development Ordinance, or other applicable ordinances.
1400. B The requirements of this section and the standards for specific types of conditional uses found elsewhere in this Chapter shall be deemed an element of the definition under which a conditional use permit may be granted. The failure of the applicant to demonstrate compliance with these requirements, at the discretion of the Board of Supervisors, can be deemed either a basis for establishing conditions or limitations on an approval or the basis for a denial of a conditional use application.
1400. C General Requirements
1400. C.1 An application for a conditional use shall be filed with the Township and presented to the Board of Supervisors and shall state the following:
1400. C.1.a The name and address of the applicant.
1400. C.1.b The name and address of the owner of the property to be affected by the proposed conditional use application.
1400. C.1.c Evidence of authorization to act on behalf of the property owner(s) where the applicant is other than a legal or equitable owner of the property.
1400. C.1.d A description and location of the property on which the conditional use is proposed.
1400. C.1.e A statement of the present zoning classification of the property in question, the improvements thereon

and the present use thereof.

- 1400. C.1.f A statement of the section(s) of this Chapter that authorizes the conditional use and the standards and other requirements for the design of said conditional use.
- 1400. C.1.g A narrative description of the site's suitability for the proposed use or development.
- 1400. C.1.h An accurate description of the proposed improvements, additions, uses and development proposed to be made under the application indicating the size of such proposed improvements and additions and the materials and general construction thereof. In addition there shall be attached a plot plan of the property in question, indicating the location and size of the improvements now erected thereon, the location and size of the improvements proposed to be erected thereon and the location of the proposed uses and development.
- 1400. C.1.i A narrative description of the proposed use or developments consistency with the purposes and objectives of the Comprehensive Plan.
- 1400. C.1.j A narrative description of the proposed use or developments consistency with the character of the surrounding uses and the Township in general.

- 1400. C.2 An application for a conditional use shall be filed with the Township on such forms as may be prescribed for such purpose and shall be accompanied by the application fee, as adopted by resolution of the Board of Supervisors from time to time. No application shall be received for filing unless accompanied by the required fee.

1400. D Procedures

- 1400. D.1 Upon receipt of a complete application for conditional use approval per Section 1400.C, above, the Township shall submit the application for recommendation to the Planning Commission. Upon receipt of the application, the Planning

Commission shall review the conditional use request with the applicant at its next regularly scheduled meeting or at a special meeting at the discretion of the Planning Commission. In either case, such review shall take place within forty-five (45) days of submittal to the Planning Commission, including the forwarding of any recommendations to the Board of Supervisors. The Planning Commission may extend its period of deliberation beyond forty-five (45) days upon written authorization by the applicant. If the Planning Commission does not transmit its recommendations to the Board of Supervisors by the date set by the Board of Supervisors for public hearing for consideration of the conditional use application, the Board of Supervisors shall proceed to consider such application without the recommendation of the Planning Commission. Should the applicant submit new or revised plans for development under the application for conditional use approval during the period of review by the Planning Commission, the forty-five (45) day review period shall start anew and prior plans shall be deemed withdrawn.

1400. D.2 After review by the Planning Commission, the Board of Supervisors shall hold a public hearing on the Conditional Use application in accordance with the following procedures:

1400. D.2.a Notice of the hearing shall be given to the public by publication in a newspaper of general circulation in the Township in accordance with the requirements for public notice established in the Municipalities Planning Code. Abutting property owners shall be notified in writing no less than twenty (20) days prior to the scheduled hearing. Additionally, like notice thereof shall be given to the applicant, the Zoning Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the date of the hearing. The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions of the Township for which the notice was given. The Board of Supervisors shall conduct its first hearing on the

application within sixty (60) days from the date the application is filed with the Township, and said hearing shall be completed within one hundred (100) days after the completion of the applicant's case in chief, unless extended by written authorization from the applicant. The hearing may be conducted by the Board of Supervisors, a member of the Board of Supervisors, or an independent attorney appointed by the Board of Supervisors.

- 1400. D.2.b The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board of Supervisors and any other person, including civic or community organizations, permitted to appear by the Board of Supervisors. The Board of Supervisors shall have the power to require that all persons who wish to be considered parties submit written requests on such forms as the Board of Supervisors may provide for that purpose.
- 1400. D.2.c The Chairman or Acting Chairman of the Board of Supervisors shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- 1400. D.2.d Formal rules of evidence shall not apply but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 1400. D.2.e The Board of Supervisors shall keep a record of the hearing proceedings. Copies of the stenographic or graphic material received in evidence shall be made available to the Township at no cost thereto, and to any party at cost.
- 1400. D.2.f The Board of Supervisors shall render a written decision within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions

based thereon, together with the reasons for the final decision.

- 1400. D.2.g A copy of the final decision shall be delivered to the applicant and the parties before the Board of Supervisors personally or mailed to them not later than the day following the date of the decision.
- 1400. D.2.h Appeals from a determination of the Board of Supervisors pursuant to any application for a conditional use shall be only as prescribed and within such times permitted by the applicable provisions of the Municipalities Planning Code .
- 1400. D.3 In granting conditional use approval, where such use is authorized under this Chapter, the Board of Supervisors may also attach such conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter. Conditional uses shall be subject to compliance with the particular standards contained in this Chapter and criteria defined in the application review process. The standards described shall be deemed additional and shall in no way impair any other applicable standard from this Chapter or any other Township ordinance. The applicant shall be responsible for demonstrating compliance with all standards and criteria required for conditional use approval. The conditions of approval may include, but need not be limited to:
 - 1400. D.3.a Provisions for additional utility or traffic safety facilities
 - 1400. D.3.b Securing of additional easements or property to assure proper site design
 - 1400. D.3.c Modification to the applicable design standards as more fully set forth in Article XIII of this Chapter.
- 1400. D.4 The applicant shall have the burden to prove by a preponderance of the evidence that the proposed use will comply in all respects with this Chapter and other applicable Township ordinances, and County, State or

Federal legislation. The Board of Supervisors may retain such consultants as necessary to review and certify the accuracy of submitted plans and documents, the reasonable and necessary charges for which shall be borne by the applicant. When the applicant does not provide information as required, then it shall be presumed that the proposed use is not in accordance with the requirements applicable for the granting of conditional use approval.

1400. D.5 Any grant of conditional use approval shall be deemed null and void twenty-four (24) months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit, or subdivision or land development approval, as appropriate, unless so extended by the Board of Supervisors.

Any request to extend the twenty-four (24) month expiration period shall be properly filed with the Zoning Officer thirty (30) days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals and a qualified statement that there has been no change in the conditional use application or the neighborhood in which the property is located. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Board of Supervisors may grant up to one additional twenty-four (24) month extension provided a reasonable argument is presented. No more than one such extension shall be granted per conditional use approval.

Section 1401 ADDITIONAL REQUIREMENTS FOR SPECIFIED CONDITIONAL USES

In addition to the requirements and procedures established in Section 1400, herein, the following requirements shall be applicable to certain conditional uses as specified in this Chapter.

1401. A Ownership

The tract of land under application for a conditional use approval

shall be in single ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If the ownership of the entire tract is held by more than a single person or entity, the application shall identify and be filed on behalf of all of the owners. Approval of the plan shall be conditioned upon agreement by the applicant or applicants that the tract shall be developed under single direction in accordance with the approved plan. No site preparation or construction shall be permitted other than in accordance with the approved plan. If ownership of all or any portion of the tract changes subsequent to approval of the plan, no site preparation or construction by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

1401. B Sewer and Water Facilities

The applicant shall demonstrate evidence of adequate water supply and sewage disposal capability. The tract of land shall be served by a water supply system and a sewage system deemed acceptable by the Board of Supervisors upon recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with Sections 421 and 422 of the Subdivision and Land Development Ordinance and the East Coventry Township Sewage Facilities (Act 537) Plan.

1401. C Development Stages and Permits

The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner, developer, and Township shall enter into said agreement embodying all details regarding compliance with this Chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.

1401. D Storm Water Management

The control of erosion and sediment during construction, and the ongoing management of storm water on the tract, shall be accomplished in accordance with the provisions of Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the

East Coventry Township Code of Ordinances.

1401. E Covenants and Restrictions

The language, terms and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Township Solicitor.

1401. F Development Plan

The application for conditional use approval shall be accompanied by a unified, overall site plan covering the entire tract, regardless of any intended phasing of development. The plan shall be prepared with sufficient detail to adequately illustrate the proposed development uses and non-development uses of the tract, including (where appropriate), reserve areas for possible future expansion; coordinated internal and external vehicular and pedestrian circulation; well related, convenient and efficient parking and loading areas; agreeable surroundings that provide comfort, safety, and convenience for prospective residents, customers, and/or workers; and high quality design in terms of building relationship, facade treatment, signage, lighting, landscaped and planted buffers and screens, as well as other natural and constructed amenities in furtherance of the comprehensive planning objectives of the Township.

1401. G Natural and Cultural Resources Analysis

The applicant shall provide an inventory of the tract's natural features and systems, cultural resources, and visual amenities that may be impacted by the proposed conditional use. The inventory shall be prepared in graphic (at a scale of one (1) inch = one hundred (100) feet) and narrative form on the site or in such proximity as to be affected by the proposed conditional use:

1401. H.1 Surface waters

1401. H.2 Natural drainage patterns, including swales, intermittent streams, etc.

1401. H.3 Flood Plain Districts as defined in Article IV of this Chapter

1401. H.4 Wetlands under the jurisdiction of the Pennsylvania

Department of Environmental Protection or the U.S. Army
Corps of Engineers

- 1401. H.5 Soils with seasonably high water table
- 1401. H.6 Soils with shallow depth to bedrock
- 1401. H.7 Geologic formations, particularly in relation to areas of groundwater recharge
- 1401. H.8 Biotic resources as mapped and described in the Open Space, Recreation, and Environmental Resources Plan, and patterns of vegetation, including tree masses, rare or extraordinary individual species, any tree of eight (8) inches or greater DBH and areas serving as habitat for wildlife (species of wildlife dependent upon the site for habitat shall be identified).
- 1401. H.9 Scenic resources as mapped and described in the Open Space, Recreation, and Environmental Resources Plan, and any other visual amenities of the site (e.g., topography, vegetation, water) considered unique, scenic, and/or that should be incorporated into the design of any future use; and
- 1401. H.10 Sites and structures of historical or cultural significance, including but not limited to those sites recorded in the Open Space, Recreation and Environmental Resources Plan, the Comprehensive Plan, the Historic Resources Inventory, and the Chester County Historic Sites Survey of 1982.

The applicant shall indicate how any or all of the inventoried resources will be affected by the proposed development, and shall describe mitigating measures to be employed in addressing these impacts. The development impacts and the proposed mitigating measures shall be described in narrative form, and their locations on the site and beyond shall be mapped at a scale of one (1) inch = one hundred (100) feet.

1401. I Traffic Analysis

The Board of Supervisors, at its sole discretion, may require the applicant to provide traffic studies demonstrating feasible compliance with the objectives of this Chapter and the

Comprehensive Plan. Such studies shall estimate traffic volumes, turning movements, and levels of service at intersections, and potentially unsafe conditions existing prior to development as well as may be reasonably expected to occur after proposed development and shall suggest action(s) to mitigate any anticipated reduction of level of service or other negative impact to traffic conditions resulting from development as proposed. In addition the Township shall engage its traffic engineer to review such traffic analyses provided by the applicant and to conduct traffic studies as the traffic engineer may deem necessary. The applicant shall reimburse the Township for such traffic analyses as may be conducted by the Township's traffic engineer. In granting conditional use approval, the Board of Supervisors may attach conditions requiring specific improvements to provide for safe and convenient access for residents, visitors, employees, and emergency service personnel and vehicles.

1401. J Fiscal Impact Assessment

The Board of Supervisors, at its sole discretion may require the applicant to provide an assessment of the economic and fiscal impacts that will result from the proposed development. The assessment shall include a profile of the Township, County and School District revenues to be generated by the proposed development and the costs that it will impose on the Township, County and School District. The information shall be related to the initial, if staged, and completed subdivision or land development.

1401. K Community Facilities and Services Assessment

The Board of Supervisors, at its sole discretion may require the applicant to provide an assessment of the facility and service needs required for the proposed development. Where applicable, the assessment shall consider, in terms of existing capabilities and the need for additional or expanded capabilities, the following:

- 1401. K.1 Schools
- 1401. K.2 Park and Recreation Areas
- 1401. K.3 Libraries
- 1401. K.4 Hospitals and Other Health Care Facilities

- 1401. K.5 Fire Protection
- 1401. K.6 Police Protection
- 1401. K.7 Emergency Medical Services

Section 1402 CRITERIA FOR REVIEW OF CONDITIONAL USE APPLICATIONS

The following criteria shall be used by the Board of Supervisors in evaluating a proposed conditional use. It shall be the burden of the applicant to demonstrate compliance with all applicable criteria:

- 1402. A An applicant for conditional use approval shall have the burden of demonstrating to the satisfaction of the Board of Supervisors that provision is made to adequately reduce or minimize any noxious, offensive, dangerous or hazardous feature or features thereof, as the case may be. The Board of Supervisors may deny conditional use approval where the applicant has failed to do so or where any use otherwise is deemed to be dangerous or potentially dangerous to the public health, welfare or safety or which constitutes or may constitute a public hazard whether by fire, explosion or otherwise.
- 1402. B The use(s) proposed shall be limited to those authorized as conditional uses within the zoning district in which the lot or parcel is situated. The property subject to a conditional use application shall be suitable for the use desired.
- 1402. C The size, scope, extent and character of the conditional use desired shall be consistent with the spirit, purposes and intent of the Comprehensive Plan, the Open Space, Recreation and Environmental Resources Plan, and this Chapter.
- 1402. D The proposed use at the location set forth in the application shall be in the public interest and serve the public health, safety and general welfare.
- 1402. E Consideration of the character and the type of development in the area surrounding the location for which the request is made, and a determination that the proposed use is appropriate in the area and will not injure or detract from the use or value of the surrounding

properties or from the character of the neighborhood.

1402. F The development, if more than one building, will consist of a harmonious grouping of buildings or other structures.
1402. G There will be no adverse affect of the proposed conditional use upon the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, recreational opportunities, open space and public schools and, where necessary, adequate arrangements for expansion or improvement of such services and facilities are ensured.
1402. H The design and use of any new construction and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.
1402. I If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this Chapter shall be fully complied with at the completion of any stage.
1402. J The location and layout of the proposed use is suitable with respect to probable effects upon highway traffic, and assures adequate access arrangements in order to protect major streets and highways from undue congestion and hazard. The proposed use will not lower the level of service on adjacent road segments and intersections as defined by the most recent edition of the Highway Capacity Manual from the Transportation Research Board. As a policy, proposed projects should incorporate designs that will assure safe and efficient access and maintain a level of service "C", as a minimum, on all adjacent road segments and intersections.
1402. K The interior traffic circulation shall provide safe and convenient circulation for all users, including pedestrian and vehicular modes of transit. The applicant shall demonstrate that sufficient safeguards such as parking, traffic control, screening, and setbacks can be implemented to remove any potential adverse influences the use may have on adjoining uses. In addition, all emergency access design considerations shall be addressed and

incorporated into the proposed plan.

- 1402. L The adequacy of sanitation and public safety provisions, where applicable, and the necessity to provide a certificate of adequacy of sewage and water facilities from a governmental health agency in any case where required or deemed necessary.
- 1402. M Sufficient land area shall be available to be able to effectively screen the proposed conditional use from adjoining different uses if required by the Board of Supervisors.
- 1402. N Consideration of any other development impacts and/or proposed mitigation identified by the submitted site analyses.
- 1402. O Consideration of likelihood of market success of proposed use(s), as indicated by market analyses, where required.
- 1402. P Uses shall meet the provisions and requirements of the Subdivision and Land Development Ordinance and all other applicable ordinances of the Township.
- 1402. Q The Board of Supervisors may impose such conditions, in addition to those required, as are necessary to assure that the intent of this Chapter is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noise, glare, and noxious, offensive or hazardous elements and adequate standards of parking and sanitation.
- 1402. R If the Board of Supervisors approves the application and accompanying development plan, such approved plan shall accompany any application for subdivision and land development as prescribed by the Subdivision and Land Development Ordinance, and such approved plan shall accompany any application for a building permit.

Section 1403 CLUSTERED SINGLE-FAMILY DETACHED
RESIDENTIAL DEVELOPMENT OPEN SPACE AND
DESIGN STANDARDS

Clustered single-family detached residential development permitted as a conditional use in the R-2 Residential and R-3 Residential Districts shall comply

with all of the open space and design requirements and standards of this Section 1403.

1403. A Open Space Standards

- 1403. A.1 The minimum required amount of the gross tract area to be provided as open space shall be as specified in Section 703.B.1 or 803.B.1, of which a minimum of twenty-five percent (25%) shall be suitable for active recreational purposes. All required open space shall be contiguous and shall not consist of narrow and small irregularly shaped areas.
- 1403. A.2 The following resources may be included in the required open space to the maximum extent possible:
 - 1403. A.2.a Stream channels, floodplains, hydric soils, high water table soils, wetlands, riparian buffers.
 - 1403. A.2.b Precautionary and prohibitive slopes that adjoin watercourses and other water bodies where disturbance would have a negative impact on water quality.
 - 1403. A.2.c Woodlands that provide the ecological functions of soil stabilization and protection of streams, wetlands and wildlife habitat.
 - 1403. A.2.d Habitats of wildlife species that are endangered, threatened, or are of special concern.
 - 1403. A.2.e Hedgerows, groups of trees, large individual trees, and other landscape elements that are of botanical or historic significance.
 - 1403. A.2.f Prime agricultural soils.
 - 1403. A.2.g Historic sites.
 - 1403. A.2.h Scenic viewsheds and visually prominent topographic features, e.g. ridgelines.
 - 1403. A.2.i Existing trails.

1403. A.3 Open Space Design

The design of the open space shall conform to the standards of Section 426.4 of the Subdivision and Land Development Ordinance, except where non-intensive agriculture is permitted as an open space use.

1403. A.4 Open Space Uses

Only the following uses shall be permitted in the open space:

- 1403. A.4.a Conservation of the open space land in its natural state.
- 1403. A.4.b Non-intensive agricultural uses. Other agricultural uses may be permitted by special exception.
- 1403. A.4.c Pastureland for horses used only for recreation purposes and equestrian-related structures provided that the impervious surface of such structures is limited to three percent (3%) of the open space.
- 1403. A.4.d Forestry in accordance with the timber harvesting provisions of Section 1316 of this Chapter.
- 1403. A.4.e Golf courses, excluding driving ranges and miniature golf facilities, provided that the area of the open space occupied thereby shall be limited to fifty percent (50%) and structures, parking and accessways shall not be included in the minimum required open space.
- 1403. A.4.f Easements for stormwater management facilities, vehicular and pedestrian access, sanitary sewer and water lines, and other public facilities.
- 1403. A.4.g Utility rights-of-way, excluding utilities structures, may traverse open space areas however shall not be included in the calculation of the minimum required open space.

1403. A.5 Disturbance of Open Space Land

- 1403. A.5.a Designated open space shall be permanently restricted from future subdivision and land development.
- 1403. A.5.b Disturbance of open space land shall be minimized and shall be limited to the construction of active recreation facilities, trails, stormwater management facilities, and vehicular and pedestrian access where necessary.
- 1403. A.5.c Disturbance to land, including forestry subject to the provisions of Section 1316 herein, containing natural resources shall be in compliance with the resource protection standards of Article IV of this Chapter and Section 429 of the Subdivision and Land Development Ordinance.

1403. A.6 Ownership and Maintenance of Open Space

1403. A.6.a Open Space and Facilities Ownership

Open space land may be owned by the Township, a homeowners association, a land trust, a conservation organization recognized by the Township, or by a similar entity approved by the Township, or may remain in private ownership.

1403. A.6.b Offer of Dedication

The Township may, but shall not be obligated, to accept dedication in the form of fee simple ownership of open space land. Where the Township accepts dedication of open space land that contains improvements, the Board of Supervisors may require the posting of financial security, in an amount up to fifteen percent (15%) of the installation cost to ensure structural and functional integrity of such improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

1403. A.6.c Homeowners Association

The designated open space land and associated facilities may be held in common ownership by a homeowners association which shall be formed and operated under the following provisions:

- (i) The developer shall provide the Township with a description of and proof of incorporation of the association, a copy of its bylaws and proof of adoption thereof, a copy of the declaration of covenants, easements or restrictions or similar document(s) regulating the use and maintenance of the open space and associated facilities. The conditions and timing of transfer of the control of the association from the developer to the homeowners shall be identified.
- (ii) The association shall be organized, operated and financed by the developer prior to the sale of any lots within the development.
- (iii) Membership in the association shall be mandatory for all owners, and successors, of dwellings in the development.
- (iv) The association shall be responsible for the maintenance and insurance of the open space and facilities owned by the association, enforceable by liens placed by the homeowners association. Maintenance obligations may also be enforced by the Township, which may place liens to recover its costs.
- (v) The members of the association shall share equitably the costs of maintaining the open space and facilities owned by the association. Shares shall be defined within the association bylaws or declaration. Association dues shall be structured to provide for both annual operating costs and to cover projected long-

range costs capital costs related to repair or replacement of facilities.

- (vi) In the event of a proposed transfer, within the methods herein permitted, of open space and facilities by the homeowners association, or of the assumption of maintenance of such open space and facilities by the Township, notice of such action shall be given to all members of the association.
- (vii) The association shall have or employ adequate staff to administer and provide continuous and proper maintenance of the open space and facilities.
- (viii) The homeowners association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide: (i) That the residents of the development shall have, at all times, access to the open space lands contained therein (except that access to land that is actively farmed shall be limited by the nature of the agricultural operation); (ii) That the open space lands to be leased shall be maintained for the purposes set forth in this Chapter; and (iii) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Township, at the election of the developer and/or homeowners association.

All leases shall be subject to the approval of the Board of Supervisors and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township.

- (ix) Homeowners association documentation approved by the Township shall be recorded with the final subdivision and land development plans, and proof of recording thereof shall be provided to the Township prior to the issuance of any building permits. At the time of preliminary plan submission, the applicant shall provide draft homeowners association documentation with sufficient detail to demonstrate compliance with this section.

1403. A.6.d Condominiums

Open space land and associated facilities may be held in common by the unit owners as a condominium, the documents for which shall be approved by the Board of Supervisors. Such condominium documents shall be in conformance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All common open space land shall be "common elements" or "limited common elements." To the degree applicable, condominium documents shall comply with the provisions of Section 1403.A.6.c above.

Condominium documents shall be recorded with the final subdivision and land development plans. At the time of preliminary plan submission, the applicant shall provide draft condominium documents with sufficient detail to demonstrate compliance with this section.

1403. A.6.e Dedication of Easements

The Township may, but shall not be obligated to, accept easements for public use of any portion or portions of designated open space land, title of which is to remain in common ownership by condominium unit owners or a homeowners association, as applicable.

1403. A.6.f Transfer of Easements to a Private Conservation Organization

Upon approval of the Township, an owner may transfer easements to a private, nonprofit organization recognized by the Township, among whose purposes it is to conserve open space and/or natural resources, provided that

- (i) The organization is acceptable to Board, and is a bona fide conservation organization with perpetual existence;
- (ii) The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
- (iii) A maintenance agreement acceptable to the Board is entered into by the developer and the organization.

1403. A.6.g Private Ownership of Open Space

Designated open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for open space herein.

All or portions of the designated open space may be included within an individual lot, e.g. a working farm, where approved by the Board of Supervisors, and the Board may require that the owner of such privately owned open space be responsible for the maintenance thereof.

1403. A.6.h Open Space and Facilities Maintenance

The cost and responsibility of maintaining the open space and associated facilities shall be borne by the homeowners association, condominium association, conservation organization, or property owner, as

outlined in the following sections.

1403. A.6.i Required Open Space Management Plan

The applicant shall provide a plan for the long-term management of the designated open space including maintenance and management of any stormwater management or any other approved facilities located therein.

(i) Open Space Management Plan Information

The open space management plan shall include a narrative discussion of: (i) The manner in which the designated open space and any facilities included therein will be owned and by whom it will be managed and maintained; (ii) The conservation, land management and agricultural techniques and practices which will be used to conserve and perpetually protect the designated open space, including conservation plan(s) approved by the Chester County Conservation District where applicable; (iii) The professional and personnel resources that will be necessary in order to maintain and manage the property; (iv) The nature of public or private access that is planned for the designated open space; and (v) The source of the financial resources available for such management, preservation and maintenance on a perpetual basis.

(ii) At the time of preliminary plan submission, the applicant shall provide a draft open space management plan with sufficient detail to demonstrate compliance with the provisions herein.

(iii) The Board of Supervisors shall require that the management plan be recorded, in the Office of the Recorder of Deeds of Chester

County, with the final subdivision and land development plan.

- (iv) The management plan shall contain a provision that permits change to such plan upon written application to the Board of Supervisors. Approval of such application by the Board shall not be unreasonably withheld or delayed provided: (i) The proposed change is consistent with the purposes of preservation of open space set forth in herein, and with the approved subdivision and land development plans: and (ii) Any such change would not obligate the Township to manage and maintain the open space and facilities.

1403. A.6.j Provisions for Maintenance of Open Space

In the event that a homeowners association, condominium association, conservation organization, any successor organization, or any owner of the open space shall fail to maintain such land in reasonable order and condition in accordance with the development plan, the open space management plan and/or association or condominium documents as applicable, the Township may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the open space land in reasonable order and condition and directing the owner to remedy the same within twenty (20) days.

Upon default by any owner, homeowners association, conservation organization, or other entity responsible for maintenance of designated open space and/or associated facilities, where such maintenance is required under the terms of the open space management plan, homeowners association or condominium documents, any subdivision and/or land development plan for the property, the zoning approval for the property, or under any applicable requirements of any Township ordinances, permits

or approvals, or where such maintenance is otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons or property or the public health, safety or welfare, the Township may, but shall not be obligated, to take the following actions:

- (i) Upon thirty (30) days advance written notice to the person, association or entity responsible for such maintenance (or any such lesser period as may be specified in the notice in instances of emergency) and the failure of the responsible individual, entity or association within such thirty (30) day period (or such lesser period in the event of an emergency) to perform the necessary maintenance and otherwise remedy the condition set forth in the Township's notice, to enter upon the open space, accessing the same through any other lands of such entity, association or individual as may be necessary, to perform such maintenance and take any other action necessary to correct the condition provided in the Township's notice.
- (ii) Any and all costs incurred by the Township in connection with such notice and maintenance shall be paid by the responsible individual, entity or association within ten (10) days after written demand by the Township. Upon failure of the responsible individual, entity, or association to pay such costs by the time required, there shall be added thereto interest at the rate of fifteen (15) percent per annum as well as all costs incurred by the Township in collection thereof.
- (iii) All such costs of maintenance, remediation, notices, and collection, including court costs and attorney's fees, shall constitute a municipal lien and be enforceable as such against the responsible entity, individual or association.

Such lien shall extend to all property of such individual, entity or association within the development containing the affected open space.

In the case of an association, such lien shall apply, pro rata, against all lot owners who are members of the association, in addition to applying to the affected open space.

1403. A.6.k Open Space and Facilities Performance Guarantee

Where intended as common or public amenities, all landscape improvements, plantings, accessways, and recreational facilities within designated open space areas shall be provided by the developer. Financial security shall be in the same form and adhere to the same conditions as provided in Section 310 of the Subdivision and Land Development Ordinance.

1403. B Clustered Residential Development Design

Clustered residential developments shall be designed in conformance with four-step design process as provided in Section 304.3.G of the Subdivision and Land Development Ordinance.

Section 1404 STANDARDS FOR COMMUNICATIONS TOWERS AND COMMUNICATIONS ANTENNAS PERMITTED AS CONDITIONAL USES

1404. A The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.

1404. B The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

1404. C Communication towers shall comply with all applicable Federal Aviation Administration regulations, applicable Commonwealth

Bureau of Aviation regulations and applicable airport zoning regulations.

1404. D Any applicant proposing construction of a new communications tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing communications tower or public utility transmission tower. A good faith effort shall require that all owners of potentially suitable existing structures within a one-quarter ($\frac{1}{4}$) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
- 1404. D.1 The proposed antennas and related equipment would exceed the structural capacity of the existing structure or building and its reinforcement cannot be accomplished at a reasonable cost.
 - 1404. D.2 The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for the existing structure and the interference cannot be prevented at a reasonable cost.
 - 1404. D.3 Such existing structures or buildings do not have adequate location, space, access or height to accommodate the proposed equipment to allow it to perform its intended function.
 - 1404. D.4 Addition of the proposed antennas and related equipment would result in electromagnetic radiation exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - 1404. D.5 A commercially reasonable agreement could not be reached with the owners of such structures or buildings.
1404. E Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width. The access shall be improved to a width of at least ten (10) feet with a dust-free surface for its entire length.

1404. F Only monopole structures may be used for a new communications tower, except if attached to an existing structure or building.
1404. G A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
1404. H Recording of a plat of subdivision shall not be required for a leased parcel on which a communications tower is proposed to be constructed.
1404. I The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function with the ability to support a minimum of four (4) separate sets of communications antennas.
1404. J The maximum height of any communications tower, including communications antennas, shall be one hundred ninety-five (195) feet.
1404. K If a new communications tower is constructed, the minimum distance between the base of the Tower and the nearest property line shall be the largest of the following:
1404. K.1 One hundred and twenty percent (120%) of the antenna height as measured from the mean ground elevation.
1404. K.2 The minimum setback of the zoning district in which it is located.
1404. K.3 Fifty (50) feet.
1404. L The base of a communications tower shall be landscaped so as to provide an effective screen of the foundation and base and the communications equipment building from abutting properties.
1404. M The communications equipment building shall be considered a use accessory to a dwelling and shall comply with the yard requirements of the applicable zoning district.
1404. N The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications

tower will be designed and constructed in accordance with the current structural standards for steel antenna towers and antenna supporting structures, if applicable, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Building Code.

1404. O The applicant shall submit a copy of its current Federal Communications Commission license, the name, address and emergency telephone number for the operator of the communications tower and a certificate of insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence covering the communications tower and communications antennas.
1404. P All guy wires associated with guyed communications towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
1404. Q The site of a communications tower shall be secured by a fence with a maximum height of eight (8) feet to limit accessibility by the general public. Barbed wire shall be placed above the top of the fence to discourage climbers. Anti-climbing devices shall be installed or access devices shall be removed from the communications tower to discourage unauthorized climbers.
1404. R No signs or lights shall be mounted on a communications tower or communications equipment building, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
1404. S Communications antenna shall be mounted on a communications tower, except as may be otherwise required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
1404. T Communications towers shall be protected and maintained in accordance with the requirements of the Building Code.
1404. U If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle

and remove the communications tower within six (6) months of the expiration of such twelve (12) month period.

1404. V One (1) off-street parking space shall be provided.

1404. W The applicant shall demonstrate that the denial of the conditional use shall have the effect of prohibiting the provision of wireless communication services. For the purposes of the foregoing, "the denial of the conditional use shall have the effect of prohibiting the provision of wireless communications services" if a significant gap in the availability of service will result from the denial of the conditional use.

Section 1405 CONTINUATION BY CONDITIONAL USE OF CERTAIN
NONCONFORMITIES RESULTING FROM THE TAKING
OF PORTION OF A LOT FOR PUBLIC ROAD PURPOSES

1405. A Whenever an existing lot and/or an existing building or other structure on an existing lot becomes nonconforming, or more nonconforming, with respect to one or more applicable areas and/or dimensional requirements, as a result of a taking of a portion of the lot for public road purposes, and the nonconformity, with respect to each applicable area and dimensional requirement, resulting from the taking, is more than fifty percent (50%) of the applicable requirement, or increases an existing nonconformity of the same applicable area and dimensional requirement beyond fifty percent (50%) of that requirement, the lawful use of the lot and/or lawful use, location and/or size of the building or other structure on the lot, as existing on the effective date of the taking, may remain and continue after the effective date of the taking only when authorized by conditional use as required by Section 1334.B of this Chapter.

1405. B The conditional use required by Section 1334.B of this Chapter shall be allowed or denied by the Board of Supervisors pursuant to the following standards:

1405. B.1 The applicant shall demonstrate that no unsafe conditions or adverse environmental impacts have been created on the lot, or in or to the building or other structure on the lot, as a result of the lot, building or structure being rendered nonconforming or more nonconforming, with respect to one

or more applicable areas and/or dimensional requirements, by the taking.

1405. B.1.a Such unsafe conditions shall include, but shall not be limited to:

- (i) The potential for personal injury to occupants of the lot or of the building or other structure on the lot.
- (ii) The potential for property damage on the lot or to or in the building or other structure on the lot.

1405. B.1.b Such adverse environmental impacts shall include, but shall not be limited to:

- (i) The potential for increased levels of vehicle emissions on the lot or from the building or other structure on the lot.
- (ii) The potential for increased noise levels on the lot or from the building or other structure on the lot.
- (iii) The potential for loss of privacy on the lot or in the building or other structure on the lot.

1405. B.1.c The applicant may propose, for consideration by the Board of Supervisors, measures to mitigate the potential for such unsafe conditions and adverse environmental impacts.

1405. B.2 The applicant shall demonstrate that no unsafe conditions to the traveling public (motorist or pedestrian) or to any person (motorist or pedestrian) entering or leaving the lot, have been created on the lot as a result of the lot, or the building or structure thereon, being rendered nonconforming or more nonconforming, with respect to one or more applicable areas and/or dimensional requirements, by the taking.

1405. B.2.a Such unsafe conditions shall include, but shall not be limited to:

- (i) Decreased clear sight triangle or sight distance at the intersection of a driveway on the lot and the abutting street.
- (ii) The increased potential for personal injury to the traveling public or to persons entering or leaving the lot, whether or not the result of condition (i).
- (iii) The increased potential for damage to property of the traveling public, or of persons entering or leaving the lot, whether or not the result of condition (i).

1405. B.2.b The applicant may propose, for consideration by the Board of Supervisors, measures to mitigate the potential for such unsafe conditions to the traveling public (motorist or pedestrian) or to any person (motorist or pedestrian) entering or leaving the lot unsafe conditions.

1405. C In granting the conditional use required by Section 1334.B of this Chapter, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as the Board of Supervisors may deem necessary to implement the purposes of the Municipalities Planning Code and this Chapter.

1405. D The following words and phrases, as used in this Section 1405, shall have the same meanings as such words and phrases are defined and used in Section 1334.G of this Chapter: “lawful”; “applicable area and/or dimensional requirements”; “taking”; “public road purposes”; and “effective date of the taking.”

ARTICLE XV

ZONING HEARING BOARD

Section 1500 ESTABLISHMENT AND MEMBERSHIP

1500. A There shall be a Zoning Hearing Board consisting of five (5) residents of the Township, appointed by the resolution of Board of Supervisors in accordance with Article IX of the Municipalities Planning Code. Their terms of office shall be three years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancy that occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board and alternates shall hold no other office, or have membership on any other committee or commission, in the Township.
1500. B The Board of Supervisors may, by resolution, appoint at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of the alternate members shall be three years. The alternate members shall hold no other office, or sit on any other committee or commission, in the Township. An alternate may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board, or be compensated as a member as provided herein unless designated as a voting member in accordance with the provisions of Section 1501.B of this Article.
1500. C Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 1501 ORGANIZATION OF THE ZONING HEARING BOARD

1501. A The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board, as provided in Section 908 of the Municipalities Planning Code.
1501. B If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed, until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate member pursuant to this Section 1501.B shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
1501. C The Zoning Hearing Board may make, alter and rescind the rules, regulations and forms for its procedures, such as are consistent with the ordinances of the Township and the laws of the Commonwealth of Pennsylvania. Copies of rules, regulations and forms adopted by the Zoning Hearing Board shall be prepared and shall be made available for inspection by any interested person in the Township Offices.
1501. D The Zoning Hearing Board shall keep full public records of its business which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors once a year and at such other times as may be requested by the Board of Supervisors.

Section 1502 JURISDICTION

The Zoning Hearing Board shall function in strict accordance with and pursuant to Section 909.1 (a) of the Municipalities Planning Code, and shall

have all powers set forth therein, including but not limited to the following:

- 1502. A To hear and decide appeals from a determination of the Zoning Officer including, but not limited to, the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- 1502. B To hear and decide applications for special exceptions authorized by this Chapter in accordance with the standards and criteria set forth in Section 1508. The Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.
- 1502. C To hear and decide applications for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. A variance may be granted only after the Zoning Hearing Board has made the findings as required in Section 1509 of this Article. In granting a variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.
- 1502. D To conduct hearings and make such decisions and findings in connection with substantive challenges to the validity of any provisions of this Chapter and any other Township land use ordinance as authorized by Section 909.1(a)(1) of the Municipalities Planning Code.
- 1502. E To exercise jurisdiction over all other proceedings over which the Zoning Hearing Board is given jurisdiction pursuant to the Municipalities Planning Code.

Section 1503 RULES OF PROCEDURE, EXPENDITURES AND FEES

- 1503. A The Zoning Hearing Board may make, alter or rescind rules of procedure in accordance with the several provisions of this Chapter as to the manner of filing appeals, applications for special exceptions or variances, and as to the conduct of the business of the Zoning Hearing Board. In all cases the rules of procedure shall be consistent with Article IX of the Municipalities

Planning Code.

1503. B Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board, including any alternate members when designated in accordance with this article, may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors. In no case, however, shall the amount of compensation exceed the rate authorized for the members of the Board of Supervisors.
1503. C Any applicant before the Zoning Hearing Board shall deposit with the Township the appropriate filing fee established by resolution of the Board of Supervisors in accordance with the terms of Section 1603.
1503. D The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead associated with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or experts witness costs.

Section 1504 MEETINGS

Meetings of the Zoning Hearing Board shall be held at the call of the Chairman and at such other times as the Zoning Hearing Board may determine. Unless otherwise required or permitted by law, all meetings of the Zoning Hearing Board shall be open to the public. The Zoning Hearing Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the Township and shall be a public record.

Section 1505 APPEALS AND APPLICATIONS TO THE ZONING
HEARING BOARD

Appeals to the Zoning Hearing Board may be filed by an affected landowner, any officer or agency of the Township or any person aggrieved. Applications for a variance or special exception may be filed by any landowner, or any tenant with permission of the landowner.

All applications, appeals and other matters to and before the Zoning Hearing Board shall be filed in accordance with the applicable procedures provided and established by this Chapter, the Pennsylvania Municipalities Planning Code, other law, and/or the rules and regulations of the Zoning Hearing Board. All applications, appeals and other matters shall be initiated by an application for hearing which shall be filed with the Township on forms specified by the Township. Applications shall be accompanied by all exhibits and supplemental material required by the application, or by this Chapter, the Pennsylvania Municipalities Planning Code, or the rules and regulations of the Zoning Hearing Board, and all required filing and other fees. Each application, appeal or other matter shall refer to the specific provisions of this Chapter, any other ordinance, and/or the Pennsylvania Municipalities Planning Code which are involved and relied upon as authority for the authorization, permissions, approval or other relief sought.

1505. A Appeal from Determination of the Zoning Officer

In the case of any appeal from a determination of the Zoning Officer, the Zoning Officer, upon the filing of the appeal, shall transmit to the Zoning Hearing Board all papers constituting the record upon which the determination was based and the appeal taken.

1505. B Application for Special Exception or Variance

An application for a special exception or a variance under or from the terms of this Chapter shall be filed with the Zoning Hearing Board, and shall include:

1505. B.1 The name and address of the applicant

1505. B.2 The name and address of the owner of the real estate in question

1505. B.3 A statement of the present zoning classification of the property in question, the improvements thereon, and the present use thereof.
1505. B.4 A statement of the section of this Chapter under or from which the special exception or variance is requested, and, the reasons, legal and factual, why the application should be granted.
1505. B.5 An accurate description of the improvements, additions, uses and development proposed to be made under the application, if any, indicating the size of such proposed improvements and additions, and the materials and general construction thereof. In additions there shall be attached a plot plan of the property in question, indicating the location and size of the improvements now erected thereon the location and size of the additions and improvements' proposed to be erected thereon, and the location of the proposed uses and development.
1505. C Application for Special Exception or Variance in the Flood Plain District - Additional Standards of Review and Procedures
- In addition to the information required in subsection 1505.B, above, an application for a special exception or variance concerning property located in a flood plain district shall include or be accompanied by the following:
1505. C.1 Detailed engineering studies indicating the effects on drainage and streams on all adjacent properties as well as the property in question.
1505. C.2 An application for amending the boundaries of the Flood Plain District if the boundaries will be affected by the use, activity or development proposed by the special exception of variance.
1505. C.3 In determining applications and appeals for special exceptions and variances involving property in any Flood Plain District, the Zoning Hearing Board shall, consider all relevant factors, criteria and procedures specified in other sections of this Chapter, and, in addition, shall consider the following factors, criteria, and procedures:

- 1505. C.3.a The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity that will cause any increase in flood levels in the FW, Floodway, Flood Plain District, or the floodway portion of the FA, General, Flood Plain District.
- 1505. C.3.b The danger that materials may be swept on to other lands or downstream to the injury of others.
- 1505. C.3.c The proposed water supply and sanitation system and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- 1505. C.3.d The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- 1505. C.3.e The importance of the services provided by the proposed facility to the community.
- 1505. C.3.f The requirements of the facility for a waterfront location.
- 1505. C.3.g The availability of alternative locations not subject to flooding for the proposed use.
- 1505. C.3.h The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 1505. C.3.i The relationship of the proposed use to the Comprehensive Plan and flood plan management program for the area.
- 1505. C.3.j The safety to access to the property in times of flood for ordinary and emergency vehicles.
- 1505. C.3.k The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

- 1505. C.3.l That all structures and buildings involved in the variance or special exception appeal or application shall be designed and constructed so as to resist a one hundred (100) year flood.
- 1505. C.3.m That the use, activity, or development proposed by the special exception or variance shall not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, and shall not create nuisances or cause fraud on or victimize the public.
- 1505. C.3.n That the use, activity or development proposed by the special exception or variance shall not conflict with other local regulations, ordinances or laws.
- 1505. C.3.o Except for a possible modification of the freeboard requirement involved, no variance shall be granted to or from any requirements pertaining specifically to types of development, obstructions or activities regulated under the provisions of Section 406 of this Chapter including without limitation those types of development activities and obstructions requiring a special permit.
- 1505. C.4 The Zoning Hearing Board shall request, at least thirty (30) days prior to the public hearing, the review and recommendation of the following agencies:
 - 1505. C.4.a The Chester County Conservation District.
 - 1505. C.4.b The Township Planning Commission.
 - 1505. C.4.c The Chester County Planning Commission.
 - 1505. C.4.d Other planning agencies deemed necessary by the Zoning Hearing Board to assist in determining the impact of the proposed use.
- 1505. C.5 The Zoning Hearing Board may refer any application and appeal and accompanying documentation pertaining to the special exception or variance to the Township Engineer or other qualified person or agency, other than

those set forth above, in evaluating the use, activity or development proposed by the special exception or variance in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matter.

1505. C.6 Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant or appellant in writing that the granting of the variance may result in increased premium rates for flood insurance, and that such variance may increase the risks to life and/or property.

1505. C.7 The Zoning Hearing Board shall maintain a complete record of all variance, special exception, and other requests with respect to property in the Flood Plain Districts. In addition, the Zoning Hearing Board shall prepare and submit to the Board of Supervisors, at such time and in such manner as the Board of Supervisors shall direct, an annual report of all variances, special exceptions, and other requests granted by the Zoning Hearing Board. Such report shall be included in the annual report of the Township to the Federal Emergency Management Agency.

Section 1506 NOTICE OF HEARING

Notice shall be given of any public hearing stating the location of the building or lot and the general nature of the question involved and shall be given as follows:

1506. A By giving public notice as defined in Section 201 of this Chapter and otherwise consistent with the Municipalities Planning Code of the hearing, and including, but not necessarily limited to, the following information: name of the applicant and type of application being heard; brief description of the request; date, location and time of the hearing; location and times when the application can be reviewed by the public or copies of such application to be obtained at a reasonable cost; and Township contact person.

1506. B By mailing a notice thereof to the applicant, the Zoning Officer, the Township and any person who has made timely request for same or who shall have registered their names and addresses

for this purpose with the Zoning Hearing Board.

1506. C By mailing notice thereof to the owner, if his address is known, or to the occupant of any lot on the same street within five hundred (500) feet of the lot in question and of every lot not on the same street within a five hundred (500) foot radius of said lot; provided that failure to mail the notice required by this subsection shall not invalidate any action taken by the Zoning Hearing Board, and further provided that the notice required by this subsection shall not be interpreted to grant, in any manner or to any extent, legal standing or other right, not otherwise provided by law, to any owner or occupier to participate at the hearing before the Zoning Hearing board and/or in any subsequent appeal proceedings.
1506. D By posting notice thereof conspicuously on the affected tract of land at least one week prior to the hearing.
1506. E The failure of any person or entity to receive notice duly given pursuant to this Section 1506 shall not constitute grounds for any court to invalidate the actions of the Zoning Hearing Board for which the notice was given.

Section 1507 HEARING PROCEDURES

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

1507. A The first hearing shall be commenced within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant. Any party aggrieved by the schedule or progress of the hearings may apply to the Court of Common Pleas of Chester County for judicial relief. The hearing shall be completed no later than one hundred (100) days after the completion of the applicant's case in chief, unless extended for good cause upon application to the Court of Common Pleas of Chester County.
1507. B The hearing shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member, or an independent attorney, as a hearing officer. The decision or,

where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

1507. C The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
1507. D The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
1507. E The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
1507. F Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
1507. G The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copies or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
1507. H The Zoning Hearing Board or the hearing officer shall not

communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

Section 1508 STANDARDS FOR REVIEW OF A SPECIAL EXCEPTION

The Zoning Hearing Board shall hear and decide all requests for a special exception and must determine that the following standards and criteria are met before granting the request:

- 1508. A The proposed development or change is consistent with the spirit, purpose and intent of this Chapter.
- 1508. B The size, scope, extent and character of the special exception request is consistent with the Comprehensive Plan and promotes the harmonious and orderly development of the zoning district involved.
- 1508. C The proposed special exception is an appropriate use consistent with the character and type of development in the area surrounding the location for which the request is made and will not substantially impair, alter or detract from the use of surrounding property or of the character of the neighborhood in light of the zoning classification of the area affected; the effect on other properties in the area; the number, extent and scope of nonconforming uses in the area; and the presence or the absence in the neighborhood of conditions or uses which are the same or similar in character to the condition or use for which applicant seeks approval.
- 1508. D The proposed special exception is suitable with respect to traffic and highways in the area and provides for adequate access and off-street parking arrangements in order to protect major streets and highways from undue congestion and hazard.
- 1508. E All arterial or collector roadway frontage will be developed so as

to limit the total number of access points and encourage the frontage of building on parallel marginal roads or on roads perpendicular to the arterial or collector roadway.

1508. F The proposed special exception is reasonable in terms of the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police, fire protection, and public schools, and ensures adequate arrangements for the extension of such services and facilities in specific instances.
1508. G Conditions are being imposed on the grant of the request necessary to ensure that the general purpose and intent of the property adjacent to the area included in the proposed special exception is adequately safeguarded with respect to harmonious design of buildings, aesthetics, planting and its maintenance as a sight or sound screen, landscaping, hours of operation, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.
1508. H The proposed special exception protects and promotes the health, safety and general welfare of Township residents.

Section 1509 STANDARDS FOR REVIEW OF A VARIANCE

The Zoning Hearing Board may grant a variance provided that all of the following findings are made where relevant in a given case as required by Section 910.2 of the Municipalities Planning Code:

1509. A That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
1509. B That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

1509. C That such unnecessary hardship has not been created by the applicant.
1509. D That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
1509. E That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.

Section 1510 BURDEN OF PROOF; CONDITIONS

To the maximum extent permitted by law, all burdens of proof and persuasion shall be upon the applicant in connection with any variance, special exception, or other application or appeal before the Zoning Hearing Board. In allowing a variance or special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter and the Municipalities Planning Code.

Section 1511 DECISION ON APPEALS AND REQUESTS

1511. A The Zoning Hearing Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Chapter or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or

findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to a final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Where the Zoning Hearing Board fails to render a decision as required by this subsection, or fails to commence and/or complete the required hearing as provided in Section 1517 of this Chapter, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as hereinabove provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

1511. B A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 1512 APPEALS TO COURT

Appeals from decisions of the Zoning Hearing Board shall be to the Court of Common Pleas of Chester County, to the extent permitted by and in accordance with the provisions of the Municipalities Planning Code and/or other applicable law.

Section 1513 EXPIRATION OF SPECIAL EXCEPTIONS AND
VARIANCES

1513. A Any approval of a special exception or variance request shall be deemed null and void twenty-four (24) months from the date of such approval if, within that period, no application is made for a building permit, use and occupancy permit, sedimentation and erosion control permit, subdivision or land development approval, or any other approval or permit required by the Township to proceed with construction, occupancy, or use pursuant to the special exception or variance, unless so extended by the Zoning Hearing Board pursuant to subsection 1513.B, below.
1513. B The twenty-four (24) month expiration period may be extended by the Zoning Hearing Board provided, that such request for an extension shall be properly filed with the Zoning Officer at least thirty (30) calendar days in advance of the expiration date. The request shall include the reason why the extension is required, a reasonable estimate of the time needed to obtain the necessary approvals, and a qualified statement that there has been no change in either the circumstances giving rise to the grant of relief or the neighborhood in which the property is located. Any request for an extension shall require a resubmission of the application, public notice and payment of fees as required for the initial application. Failure to diligently pursue necessary approvals shall not be grounds for an extension. The Zoning Hearing Board may grant up to one additional twenty-four (24) month extension provided a reasonable argument is presented. No more than one such extension shall be granted per special exception or variance approval.

ARTICLE XVI

ADMINISTRATION

Section 1600 ZONING OFFICER

For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet such qualifications as the Board of Supervisors may establish from time to time and shall demonstrate to the satisfaction of the Board of Supervisors a working knowledge of municipal zoning. The Zoning Officer shall have such powers and duties as provided in this Chapter or otherwise by law and when authorized by the Board of Supervisors institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment pursuant to this Section 1600.

1600. A Powers and Duties of the Zoning Officer

It shall be the general power and duty of the Zoning Officer to administer this Chapter in accordance with its literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to the provisions of this Chapter.

1600. B In addition to other powers provided in and by this Chapter, the Municipalities Planning Code, and/or other law, the Zoning Officer shall have the following specific powers and duties:

1600. B.1 To provide the initial interpretation of the provisions of this Chapter and the enforcement thereof.

1600. B.2 To receive and examine all applications for use and occupancy and sign permits to determine compliance with this Chapter.

1600. B.3 To issue permits for use and occupancy and signs only when in accordance with the provisions of this Chapter.

1600. B.4 To revoke, by order, permits which were issued under a mistake of fact or contrary to the law or to provisions of this Chapter.

- 1600. B.5 To record and file all applications for permits and accompanying plans and documents and keep them for public record at the Township.
- 1600. B.6 To make reports as the Board of Supervisors may require.
- 1600. B.7 To issue permits for use and occupancy and signs by special exception and/or variance only after approval for such use and occupancy, and signs has been so ordered by the Zoning Hearing Board in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.
- 1600. B.8 To issue permits for use and occupancy and signs [or demolition] by conditional use only after approval for such use and occupancy and signs has been so ordered by the Board of Supervisors in accordance with the requirements of this Chapter, or by a court of appeals, subject to any stipulations contained in such order.
- 1600. B.9 To require that all lots shall have corner stakes set by a registered surveyor and that the application for a building permit and the accompanying plot plan shall contain all of the information necessary to enable him to ascertain whether the proposed use, building, construction or alteration complies with the provisions of this Chapter. No building permit shall be issued by the Building Inspector unless the Zoning Officer certifies that the proposed use, building, construction or alteration complies with the provisions of this Chapter.
- 1600. B.10 To inspect non-conforming uses, buildings and lots and to keep a filed record of such nonconforming uses and buildings as a public record.
- 1600. B.11 Upon the request of the Board of Supervisors or the Zoning Hearing Board, present to such bodies facts, records, and any similar information on specific requests to assist such bodies in reaching its decision.
- 1600. B.12 To be responsible for the administration of the National Flood Insurance Program in the Township as it relates those areas where records must be maintained relative to

the types of land use permitted and occurring within the floodplain district, variances issued, base flood elevations, elevation of the lowest floor, including basement, of structures within the floodplain district, the elevation to which the structure is flood-proofed and other administrative functions necessary for participation in the National Flood Insurance Program.

Section 1601 USE AND OCCUPANCY PERMITS

1601. A Permits Required

No building or structure shall be constructed, erected or structurally altered nor shall any existing use of a building, structure or land be changed until a use and occupancy permit has been issued by the Zoning Officer.

When a building permit is required for the construction, erection or structural alteration of any building or structure, an application for a use and occupancy permit shall be made simultaneously with the application for a building permit. Upon completion of the construction, erection or structural alteration of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall examine the building or structure within ten (10) days of such written notice of completion and if such construction, erection or structural alteration has been completed in accordance with the provisions of this Chapter, a use and occupancy permit shall be issued.

When any existing use of a building, structure or land is to be changed, an application for a use and occupancy permit shall be made prior to the change of such use. Upon completion of the change of use of the building or structure in conformance with the provisions of this Chapter, it shall be the obligation of the applicant to notify, in writing, the Zoning Officer. The Zoning Officer shall make an examination and investigation as is necessary to determine whether the proposed change in use is in compliance with the provisions of this Chapter within ten (10) days of such written notice of completion, and if such proposed use is found to be in accordance with the provisions of this Chapter, a use and occupancy permit shall be issued.

A use and occupancy permit issued under this Section shall state that the use of the buildings, structures or land complies with the provisions of this Chapter.

1601. B Temporary Use and Occupancy Permits

The Zoning Officer may issue a temporary use and occupancy permit that may permit the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction, provided that such temporary use and occupancy permit shall be valid for a period not exceeding ninety (90) days from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to adequately insure the safety of persons using or occupying the building, structure or land involved.

Application for a temporary use and occupancy permit shall be made in the same manner as for a use and occupancy permit and the application for or issuance of such temporary use and occupancy permit shall in no way affect the obligation to apply for and obtain a use and occupancy permit.

1601. C Application Forms

All applications for use and occupancy and temporary use and occupancy permits shall be made on forms to be furnished by the Zoning Officer and shall contain accurate information regarding the size of and location the lot, the dimensions of all yards and open spaces and such other information as may be required by the Zoning Officer as necessary to ascertain compliance with this Chapter.

No building permit or other permit for the construction, erection, repair or alteration of a building or structure shall be issued before application has been made for a use and occupancy permit.

1601. D Time Limitation on Permits

Every permit issued under this Section shall be valid only for a period of six (6) months from its date unless it is exercised or used within said period and unless once commenced it is continually exercised or used. If work under the permit ceases for a period of

six (6) months, unless such cessation is for reasonable cause, the permit shall expire.

Section 1602 ZONING PERMITS

1602. A In addition to a building permit, use and occupancy permit or other permit which otherwise may be required, a zoning permit shall be required for all construction and development of, or upon, property situated in a floodplain district including, without limitation, paving, filling, grading, excavation, mining, dredging or drilling operations.
1602. B All applications for a zoning permit shall be made to the Zoning Officer in writing on forms furnished by the Township and shall include all information necessary to enable the Zoning Officer to ascertain compliance with the floodplain provisions of this Chapter and other applicable Township ordinances, rules and regulations.
1602. C No zoning permit shall be issued until the Zoning Officer has certified that the proposed construction, development or disturbance complies with the floodplain provisions of this Chapter and other applicable Township ordinances, rules and regulations. Upon completion of the construction, development or disturbance and prior to the use or occupancy thereof, if any, the holder of the permit shall immediately notify the Zoning Officer of such completion. The zoning permit shall automatically become invalid after one (1) year from the date of issuance unless work authorized thereby has begun and is underway. In no event shall any fees paid to the Township for the zoning permit be refundable. Use and occupancy, if any, of the proposed construction, development and/or disturbance shall not be permitted until the Zoning Officer has certified that the work has been inspected and approved as being in conformance with the floodplain regulations of this Chapter and other applicable ordinances and rules and regulations and has issued a use and occupancy permit as provided in this Article.

Section 1603 FEES AND EXPENSES

1603. A Permit Applications

Fees for applications for building permits, use and occupancy

permits, sign permits, or similar permits shall be paid in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time. Such schedule may be revised, as necessary, by resolution of the Board of Supervisors.

1603. B Applications or Appeals before the Board of Supervisors or Zoning Hearing Board.

1603. B.1 Upon submission of an application or appeal before the Board of Supervisors or the Zoning Hearing Board, the applicant shall deposit an amount of money in accordance with a schedule of applicant expenses, adopted by resolution of the Board of Supervisors from time to time. The Zoning Officer shall determine the category of application and, therefore, the amount due.

1603. B.2 If, at any time, the charges then made against the applicant's deposit shall render the balance insufficient to ensure payment of all expenses that may accrue in the disposition of the pending appeal or application, the Township shall obtain from the applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. Prior to final disposition of the appeal or application, the amount of the deposit shall not be less than fifteen percent (15%) of the initial deposit amount. The failure of the Township to require and obtain additional deposits from time to time shall not relieve the applicant from liability for expenses in excess of deposits.

1603. B.3 All applications, appeals, or other matters to or before the Board of Supervisors or the Zoning Hearing Board shall not be considered complete and pending until all applicable fees and expenses, in accordance with the schedules thereof determined herein by the Board of Supervisors have been paid in full. The Board of Supervisors or the Zoning Hearing Board shall not take any action on any application, appeal or other matter until the applicable fees and expenses have been paid in full.

Section 1604 MUNICIPAL LIABILITY

The granting of any permit, application, or appeal under or pursuant to this Chapter by the Board of Supervisors, the Zoning Hearing Board, Zoning Officer, or other official, body or agency of the Township, for the use of land or structures or the erection, alteration, extension or enlargement of any structure, (i) shall not constitute a representation, guarantee or warranty of any kind by the Township, or any of its officials, bodies, agencies or employees, as to such use, erection, alteration, extension or enlargement, and (ii) shall not create any liability upon, or a cause of action against, the Township, or any official, body, agency or employee thereof, for any damages or injury that may result from such use, erection, alteration, extension, or enlargement.

ARTICLE XVII

AMENDMENTS

Section 1700 POWER OF AMENDMENT

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Chapter including the zoning map and its overlays, by proceeding in the manner prescribed in this Article and in accordance with the applicable provisions of the Municipalities Planning Code.

Section 1701 INITIATION OF AMENDMENT PROPOSALS

1701. A Proposals Initiated by the Board of Supervisors or The Planning Commission

Proposals for amendment of this Chapter may be initiated by the Board of Supervisors on its own motion, by the Planning Commission or by one (1) or more owners of property to be affected by the proposed amendment.

1701. B Proposals Initiated by Petition of Property Owners

1701. B.1 A landowner may submit a proposed curative amendment, challenging the validity of this Chapter in accordance with the provisions of the Municipalities Planning Code. The Board of Supervisors shall proceed and act upon any such proposal in the manner stipulated in the Municipalities Planning Code.

1701. B.2 Each petition by one (1) or more property owners of property to be affected by a proposal for amendment shall be submitted in writing to the Board of Supervisors together with a fee in accordance with a fee schedule adopted by resolution of the Board of Supervisors from time to time. No part of such fee shall be refundable to the petitioner. Upon receipt of a petition for amendment, the Board of Supervisors shall transmit a copy of the petition to the Planning Commission and the Chester County Planning Commission.

Section 1702 REFERRAL TO TOWNSHIP AND COUNTY PLANNING
 COMMISSIONS

1702. A In the case of a proposed amendment other than one prepared by the Planning Commission, the Board of Supervisors shall submit the proposed amendment to the Planning Commission at least thirty (30) days prior to the public hearing upon the proposed amendment as provided in Section 1703. The Planning Commission shall consider whether or not the proposed amendment would be consistent with and in furtherance of implementation of the Comprehensive Plan. The Planning Commission shall submit its recommendations thereon, together with its reasons to the Board of Supervisors. The Board of Supervisors, in reaching its decision, shall take into consideration such recommendations and reasoning but shall not be bound thereby.

1702. B Every proposed amendment shall be submitted by the Board of Supervisors to the County Planning Commission for recommendations at least thirty (30) days prior to the public hearing upon a proposed amendment as provided by Section 1703. The Board of Supervisors shall not take any action upon the proposed amendment until the recommendations of the County Planning Commission are received or until the said thirty (30)-day period for such recommendations has elapsed without such recommendations having been received. The Board of Supervisors shall not be bound by such recommendations.

Section 1703 PUBLIC HEARING AND NOTICE

The Board of Supervisors shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given as follows:

1703. A By giving public notice (as defined in Section 201 of this Chapter and otherwise consistent with the Municipalities Planning Code) of the hearing. Such notice shall be published once each week for two (2) consecutive weeks. The notice shall state the particular nature of the matter to be addressed through the proposed amendment, a reference to a place in the Township where copies of the proposed amendment may be examined without charge or purchased at a charge not exceeding the cost thereof, and the time and place set for the public hearing.

1703. B If the proposed amendment involves a zoning map change, notice of the public hearing shall be conspicuously posted by the Township at points along the tract deemed sufficient by the Township to notify potentially interested citizens. The notice of the subject tract or area shall be posted at least one week prior to the date of the hearing. In addition, the Township shall send notice of the public hearing to affected property owners by first class mail at least thirty (30) days prior to the date of the hearing.
1703. C At the public hearing, full opportunity to be heard shall be given to any resident and all parties in interest.
1703. D If after the public hearing held upon the amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice as provided in this Section, prior to proceeding to vote on the amendment.

Section 1704 ENACTMENT

1704. A In addition to any public notice requirements for public hearing on amendments, notice of proposed enactment shall include the time and place of the meeting at which passage will be considered, a reference to the place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not to exceed the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) or less than seven (7) days prior to passage.

Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

1704. A.1 A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
1704. A.2 An attested copy of the proposed amendment shall be filed in the Chester County Law Library or other County office designated by the Chester County Commissioners.

1704. B The Board of Supervisors shall republish any proposed amendment, in accordance with this Section, where the scheduled date of enactment is more than sixty (60) days following the date of the last publication of the notice of enactment.

ARTICLE XVIII

ENFORCEMENT

Section 1800 ENFORCEMENT NOTICE

1800. A If it appears to the Board of Supervisors that a violation of this Chapter has occurred, the Zoning Officer, or such other officer or official of the Township (including but not limited to the Township Solicitor) as may be designated and authorized by the Board of Supervisors, shall initiate enforcement proceedings by sending an enforcement notice as provided in this Section. By means of the enforcement notice, the Zoning Officer, or such other officer or official, as directed and authorized by the Board of Supervisors, may order discontinuance of illegal use of land or structures; removal of illegal structures or additions, alterations, or structural changes thereto; or discontinuance of any illegal work being done. The Board of Supervisors also may authorize the Township Manager, Solicitor, Chief of Police, members of the Township Police Department and/or other persons to enforce or to assist in the enforcement of this Chapter.
1800. B The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
1800. C An enforcement notice shall, at a minimum, state the following:
- 1800. C.1 The name of the owner of record and any other persons against whom the Township intends to take action.
 - 1800. C.2 The location of the property in violation.
 - 1800. C.3 The specific violation, with a description of the requirements that have not been met, citing in each instance the applicable provisions of this Chapter.
 - 1800. C.4 The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

1800. C.5 That the recipient of the notice has the right to appeal to the Zoning Hearing Board, in accordance with the procedures set forth in this Chapter, within thirty (30) days immediately following the date of the notice.
1800. C.6 That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with the possible sanctions clearly described.

Section 1801 CAUSES OF ACTION

1801. A In case any building, structure, hedge, tree, wetland, shrub, landscaping or other growth, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Chapter, the Board of Supervisors or, with the approval of the Board of Supervisors, the Zoning Officer or other officer or official of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, hedge, tree, shrub, landscaping, or other growth, or use of land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation.
1801. B Where any action, authorized in Subsection 1801.A, above, is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun, by serving a copy of the complaint to the Board of Supervisors. No such action may be commenced until such notice has been given.

Section 1802 ENFORCEMENT REMEDIES

1802. A Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including

reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice. Thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.

1802. B In addition to the above remedies, the Board of Supervisors may take other appropriate and available legal action, which may include equitable and injunctive relief, to enforce the provisions of this Chapter.
1802. C Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Board of Supervisors and the Township, the right to commence any action for enforcement pursuant to this Section.

**EAST COVENTRY TOWNSHIP
ZONING ORDINANCE**

**APPENDIX B
Developed Lot with Accessories**

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Developed Lot with Accessories

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